

Ten Years For Slaying Negro Agreed To 40 But Jury Pities W. L. Warren

After pleading guilty to the murder of a negro woman and having agreed with his counsel and the solicitor on a 40 year sentence, W. L. Warren, of Troy, heard a jury who pitied him more than he pitied himself read a verdict fixing his punishment at only 10 years, in Circuit Court last night.

The act of the jury in disregarding the defendant's agreement with the solicitor and his own counsel set a precedent in court annals here, and the verdict received a sharp verbal drubbing from Judge Leon McCord, who immediately freed them from his court.

Within his 12 years on the bench, Judge McCord told the jurors, he had never witnessed such conduct. By their act, he declared, they had indicated that they had no confidence in the attorneys for the defendant, nor for those of the state. He reminded them that they had not heard the testimony of several witnesses in the case whom they could have heard if the agreement was objectionable. (Only one witness, Call Officer C. Dennison, was introduced to establish the corpus delicti.)

Jury Discharged
"I cannot work with you," Judge McCord said and discharged the jury from further service in his court this term.

With William T. Harris as foreman, the jury consisted of the following other members: Joseph B. Harris, Joe J. McNeil, Paul G. Richter, Paul Roeder, William L. Sellers, Tan W. Shackelford, W. Dendy, Archie J. Johnson, John D. Moncrief, Robert B. Raney and Hilary H. Rhodes.

The jury returned the verdict last night about 7:30 o'clock, after deliberating about three hours. Twice the jury reported. When they first reported Solicitor Temple Seibels declined to accept the verdict until Warren's attorney, Will Hill, of the firm Hill, Hill, Whiting, Thomas and Rives, was reached. Mr. Hill soon appeared and recommended the agreement with the solicitor, but the jury declined after a second short consideration to increase the term.

In charging the jury, Judge McCord told them that the defendant, Warren, had stood up in open court, entered a plea of guilty to second degree murder and agreed to a 40-year sentence. This agreement was also made by counsel of the defendant and counsel for the state, he told them, who had carefully reviewed all evidence in the case and that partial testimony of one eye witness, as prescribed by law, had been heard.

Warren bursted into tears shortly after the reduced verdict had been read.

"Didn't Expect It"
"I didn't expect it," he told the court bailiff, J. P. Avant. En route to the jail to await formal sentence today or tomorrow Warren was extremely nervous, Mr. Avant said, and wept at intervals.

The testimony offered by Officer Dennison was to the effect that he went to the home of Emma Tolber, the negro woman, in Montgomery, and found her dying. "I am going to die and you shot me," she told Warren in the officer's presence, he testified. The woman was helpless and had both arms bandaged in plaster of paris casts, her arms having been broken a few days before the shooting. The officer testified the woman died of the wounds and thus established the "corpus delicti" as required by law.

The act of the jury leaves no further recourse. The ten-year sentence to the penitentiary stands, attorneys said.

"VICTIM" 'YET ALIVE' CONVICTS FREED

**Permanent Parole Ends Case;
Seven Other Paroles
Recommended**

Permanent parole was unanimously recommended by the State Board of Pardons in a report forwarded yesterday afternoon to Gov. Bibb Graves for Louise Butler and George Elder, who were convicted in Lowndes County some months ago of the murder of Mary Cecil Warren, negro girl, and sentenced to imprisonment for life.

After the lapse of several months following their conviction, Mary Cecil Warren was seen alive and well by several white men who knew all the negroes involved. They advised the solicitor of the fact that the girl was not dead but was living in another county. An investigation was made. The girl was found and identified and the circumstances were brought immediately to the attention of Gov. Bibb Graves. The governor promptly granted temporary paroles to the two negroes convicted of the murder of a person who was still living. These temporary paroles were to remain in effect until the Board of Pardons could make recommendations as to clemency for Louise Butler and George Elder.

Gov. Graves is expected to take final action in both cases within the next few days. Following is the complete report of the pardon board:

Unanimously recommended: Mary Branch, Hale County, manslaughter, first; Louise Butler, Lowndes County, murder, first; George Elder, Lowndes County, Murder, first; Andrew Clarke, Mobile County, manufacturing liquor and possessing still; Walter Dees, Jefferson County, grand larceny; Ed Harvey, Washington County, Distilling; Johnnie Spain,

Alabama.
Shelby County, distilling; Warren Tanner, Mobile County, manufacturing liquor and possessing still, and Oscar White, Dallas County, manslaughter, first.

Temporary parole for three months, by McCall, recommended by majority: M. C. Collins, Tuscaloosa County, manufacturing prohibited liquor.

Recommended by majority, six month test, by Blain: Fate Bramblett, Morgan County, manufacturing whiskey; Ben Conner, Choctaw County, distilling; Hub Fuel, Marshall County, distilling, and H. H. Latham, Shelby County, distilling.

Denied by McCall, recommended by Brandon, six month test, by Blain: J. C. Copeland, Covington County, grand larceny; J. R. Mason, Covington County, forgery, 2nd., and Frank Purvis, Washington County, distilling.

Denied by McCall, recommended by Brandon, Blain—any action by governor is satisfactory: Henry Jones, Calhoun County, illicit distilling.

Recommended by majority, Blain has no objection: Lemmie Maples, Mobile County, manufacturing liquor and possessing still, and Henry Smith, Calhoun County, illicit distilling.

Denied by majority, recommended by Brandon: Hubert Whorton, Jefferson County, A. I. to rob., and William M. Whorton, Jefferson County, A. I. to rob.

Unanimously denied: E. V. Buxton, Dallas County, burglary and grand larceny; Alex Carmichael, Jefferson (Bess. Div.) County, murder, first; R. H. Crews, Lee County, burglary and grand larceny; Bruce Dison, Jefferson County, A. I. to rob; Milton Dison, Jefferson, A. I. to rob; R. C. Dawkins, Montgomery County, grand larceny; Carl Elliott, Wilcox County, grand larceny; Jim Jemison, Jefferson County, robbery; Grady Merchant, Lamar County, seduction; Johnnie Morgan, Lee County, distilling; Oda Porter, Cleburne County, distilling; Roy Strickland, Henry County, manufacturing liquor; Leon Watkins, Geneva County, bastardy., and Jimmie Whitzell, DeKalb County, distilling.

Applications for civil and political rights, recommended: Andrew Gamble, Cullman County, manufacturing liquor; Wiley Hubert Patillo, Jefferson County, A. I. M.; Lincoln Rice, Randolph County, assault to ravish; Granville Sanders, Lauderdale County, forgery; Martin Schmuck, Jefferson County, grand larceny; Richard E. Thornton, Montgomery County, embezzlement., and Sam Turner, Calhoun County, illicit distilling.

Another Emancipation.

The ending of the system in Alabama, under which convicts are leased to coal mine operators and to other private industries is another emancipation less in degree but not in kind to the historic termination of slavery more than 60 years ago. How this industrial enslavement has been carried on in accordance with the spirit of the anti-slavery amendments to the constitution is another proof to the elasticity of legal construction. For convict

slavery has been much worse in every way than the private ownership of slaves ever was.

In the first place, when slaves were owned by private individuals, they were property with a value attached to them. No one damaged his property deliberately, because that affected its value. And no sensible individual destroyed the whole value of his possessions. But in the instances of convicts being hired out to mines and other industries there was no real ownership of the convicts. If they should be broken down under the toil, drudgery and cruelties of brutal bosses, the employing concerns would receive others in their places. And if any should die in industrial enslavement the industrialists would lose nothing.

What the cold-blooded lessors of convicts sought through their leases was to get as much as possible of value out of them with the expenditure of as little as possible. They wanted the maximum of returns with the minimum of expenses to the end of securing the maximum of profits. It was to the selfishly brutal interests of lessors to work their industrial slaves to the limit and to give them as little as possible of the necessities of life. If intimidation, punishment and brutality became necessary to get the biggest returns, why they were used.

The termination of the system in Alabama, therefore, is a cause for congratulation of that great state. It has had enough in recent years to answer for without being stigmatized with brutal industrial enslavement. Because a man sins against society is neither justification nor excuse for society to subject him to barbaric punishment. There are ways that convicts can be employed so as to prevent their being burdens on the people. And these ways should be adopted to the exclusion of what is the modern and worst form of slavery.

CONVICT LEASING ENDS IN ALABAMA

Last of Prisoners Leave

Mines; Negroes Sing as Last Hours Pass in Shafts; Some Freed.

Flat Top, Ala., June 30.—(AP)—Strains of "Swing Low Sweet Chariot" and "Old Time Troubles Are Over," wafted from shafts of coal mines here today as 800 negro convicts completed their last "task" under the Alabama convict lease system, a practice of more than 20 years' standing in this state.

Condemned as a "relic of barbarism" the convict leasing system ended tonight at midnight after a fight for its abolishment which lasted for a period of 13 years. It was in 1915 that first agitation against selling the services of convicts of the state to private interests was started.

Law Is Voted.

Governor Bibb Graves promised the citizens of the state that convict leasing would end with his inauguration. With the aid of the legislature the governor's plan was written into law and all white prisoners were put on state highway projects and on state farms last June. Because of the lack of facilities to care for the overflow of prisoners, it was necessary to delay removal of all prisoners until facilities for working them had been obtained.

Five hundred of the prisoners taken from the coal mines here and at Aldrich mines today were transferred to the state's model prison farm in Escambia county. The farm is composed of 1,304 acres, 700 of which are cleared and under cultivation. Others will be distributed among road building camps in the state.

Work on Highways.

The feasibility of working convicts on state highways was a question debated by the state authorities when the federal government refused to aid highway projects upon which convict labor was worked.

According to Colonel Woolsey Finnell, state highway director, the plan has proven a success and has effected a great saving for the state.

The countenances of the convicts as they lined up to turn in their carbide lamps and coal picks for the last time was sufficient reward for Governor Graves and other state officials who came to supervise the work of transferring the prisoners.

"Boss, I'm no longer in slavery," and other expressions of sincere happiness were addressed to the officials by the dusky prisoners as they went about the task of breaking camp preparatory to leaving for the road camps and the state farm.

To observers it appeared that an old-time negro love feast was being held.

Fifty-six souls were made happier still when Hamp Draper, director of the state convict department, presented this number with paroles, a reward for faithful and efficient work. They will be permitted to remain outside prison walls for 90 days and at the

end of this period if their behavior has warranted it, they will be given extensions and possibly full pardons.

Former Miner-Convicts Begin Work Building Atmore-McKenzie Road

ATMORE, ALA., July 3.—Special to The Advertiser.—Work was begun this morning on the new highway from Atmore to McKenzie, a distance of about 26 miles, by a group of 25 convicts, some of the 483 who arrived at the Atmore Prison Farm Sunday evening from the coal mines at Banner.

These were the first of the former coal miners to be assigned to regular tasks at the prison farm and the men will be permitted to work only for an hour at a stretch, with two hours rest period, until they become accustomed to the warmer temperature.

The work of building the road is under the direct supervision of Radford Batson, recently appointed road engineer for the convict department. Selection of the men who will be permanently assigned to road building was made Monday by Mr. Batson and Warden W. G. Fountain. The remainder of the men will be used in the finishing of construction work in the camp and in destumping and otherwise preparing of the 3,640 acres which compose the big farm owned by the state, eleven miles from this place.

The men transferred here from Flat Top were all in good health this morning, according to Warden Fountain, none having succumbed either to the trip, the six mile march from the train to camp, or to the hot sunshine of Monday.

There are now 610 convicts at the prison farm here, 124 being trustees who, with the assistance of a handful of free carpenters, have done all of the work of constructing buildings, installing the elaborate lighting and sanitary systems and even stretching the eleven miles of telephone wires between this place and the prison farm.

When Warden Fountain and a dozen or two picked men from Kilby and Speigner prisons arrived on the site of

the camp six weeks ago they found about 500 acres of cleared land, a barn and two or three small houses on the place. Today a huge cell house, in the form of a many armed cross, with six sections, each containing shower baths, lavatories and sanitary toilets, together with drinking fountains, a fully equipped mess hall, kitchen and store room, stands in a 20 acre enclosure, surrounded by two fences, one of which is 20 feet high, an engine room with a triple oil burning engine, a generator and a Kohler lighting plant, office and store buildings; houses for guards; mule corral and dog yard, are complete, save for painting and some concrete flooring in the engine house.

All of the work was done by convict labor, the men being trustees from the larger prisons, under the direction of John O. Gray, mechanical engineer for the convict department. Mr. Gray and Warden Fountain worked 124 men in all on this construction job.

Despite the fact that no stockade existed at the time and no other lights except hand lanterns were available, these men worked many hours over-time on the most technical plumbing and electrical work, to say nothing of cutting, sawing, drying and dressing 300,000 feet of lumber in a small saw and planing mill which was run by a tiny tractor. Without an armed guard anywhere about the premises, there were no escapes.

It was estimated by prison officials that over \$200,000 has been saved the state through the efforts and efficiency of Mr. Gray and Warden Fountain and Hamp Draper, associate member of the Board of Administration, who personally superintended the transfer of the prisoners from Flat Top. Mr. Draper highly praised both the men in charge and their trusty workmen upon inspection of the camp Monday morning.

ADVERTISER

BOSTON, MASS.

JUL 3 1928

Alabama Ends Slavery

A form of human slavery, worse even than the bondage in which the negroes were held in the South before the Civil War, has just been ended by the State of Alabama.

This was the convict-leasing system, under which persons convicted of very petty infractions of the law were leased out to contractors for work in mines and in the timber swamps for the term of their sentences. On the surface it seemed an economic measure, in that the cash paid to the State for the services of convicts added to the public revenue and there was no expenditure for maintenance of prisoners. In practice it was the most inhumane, most brutal and most degrading of all the systems devised to make slaves of human beings.

A large percentage of the prisoners died from exposure, ill-treatment, poor food and, often, from being given no food. Men were deliberately killed for slight in-

fractions of rules. The lash was used without mercy by overseers. The system became the shame of a great commonwealth.

More than 10 years ago disgusted citizens began a crusade to have the barbarous system abolished. The employing interests fought the new idea. But finally a Legislature passed a law that put an end to the barter in human flesh, and the last day of June saw the wiping out of what may be termed the final trace of slavery in this country.

Under the new law prisoners will work for the State on the highways and on model farms. They will be profitably employed, and there will still be financial return to the State, but a convict will be regarded as a man, not as a chattel.

SOMEHING WRONG SOMEWHERE

When officers of the law continue to kill innocent people and the habit becomes widespread and frequently practiced, there is something wrong somewhere. The fact that the victims are innocent leaves only the law and the officers involved. There might not be anything wrong with an officer who shoots a peaceful law-abiding citizen in the line of duty, but there is something wrong with the law and the community spirit that permits it, and the chances are that the officer is sure of its indulgence.

We do not know how far the law permits an officer to go in performing the duty of safeguarding the life and happiness of the community that employs him; we do not know the circumstances under which he is permitted to shoot even a fleeing suspect, but we do know under what conditions the law justifies him in using a club or a revolver to emphasize his sovereign guardianship. We do know that peaceful law-abiding citizens have suffered discomfort, material losses, and death at the hands of agents of the law without having provoked even the slightest suspicion of wrong doing or being in any way responsible for the error out of which their loss, discomfort or death grows. We do know that it is both brutal and shameful and that the proper community spirit could stop it.

It happens in Birmingham; it happens in the State outside of Birmingham; it happens at Washington, at Niagara Falls, in the hills around about moonshine stills, and other places that officers of the law shoot self-respecting, law-abiding, innocent citizens to death as well as fleeing suspects. It happens on the highways; it happens with women as well as men. The strongest reminder of the wrong there is in it culminates in an investigation in which a verdict of justifiable conduct in the line of duty closes the scene on a crime more horrible than that which might have been prevented by the effort. Some victims are said to be resisting officers, some commit suicide; some are fleeing for life; some are known to have had money that disappeared; some are innocently passing along—all are human and have a right to protection.

The shooting to death of J. D. Hanson, respected citizen and popular fraternal man of Niagara Falls, N. Y., by two prohibition officers whom he thought to be highwaymen and from whom he fled for his life only to lose it at the hands of his protector and guardian, is just one incident of recent occurrence. The shooting to death of a Negro on the streets in Washington by officers under circumstances equally as unjustifiable, is another. And then the shooting of two Negroes both highly respected law-abiding men visiting in Birmingham in recent months, besides other apparently unjustifiable killings by officers of the law leaves one to wonder what to expect, or how to behave when he is accosted with "hands up" order.

Between the highwayman and the officers of the law, there is a rather poor chance for the fellow with a conscience, and who cares to avoid doing injury or getting injured himself. He can hardly venture out at night without the gravest apprehensions. If he makes an error and kills an officer mistaking him for a highwayman he is in for trouble; but, if the officer errors on a bootlegger or a burglar and kills the mostly highly respected citizen, it is just too bad. The victim either drew a gun or made a motion to draw; there was a gun on him or close around. There is something wrong with the

law that permits this. There might also be something wrong with the officer that does it, but the fact that he is the agent of the law and is indulged in it has made the repetition common, and made officers feel free to do it.

Singularly, there are those who fault prohibition, who contend that the modification of prohibition will lessen these crimes in the name of the law—that the wrong is with prohibition. In what way would the open sale of rum lessen the opportunity to chase bootleggers, or change the quality of the law personnel, or require the more rigid enforcement of reason and human treatment by officers of the law? When agents of the law begin to destroy peaceful and law abiding citizens, then the community is destroying itself through its agencies. Agents are creatures of their principals and when they begin to destroy the source of their existence there is a fatal malady in the heart that will cause the community involved to be avoided.

Former Miner-Convicts Begin Work Building Atmore-McKenzie Road

ATMORE, ALA., July 3.—Special to The Advertiser.—Work was begun this morning on the new highway from Atmore to McKenzie, a distance of about 26 miles. A group of 25 convicts, some of the 483 who arrived at the Atmore Prison Farm Sunday evening from the coal mines at Banner.

These were the first of the former coal miners to be assigned to regular work at the prison. The men will be permitted to work only for an hour at a stretch, with two hours rest periods until they become accustomed to the warmer temperature.

The work of building the road is under the direct supervision of Radford Batson, recently appointed road engineer for the convict department. Selection of the men who will be permanently assigned to road building was made Monday by Mr. Batson and Warden W. G. Fountain. The remainder of the men will be used in the finishing of construction work in the camp and in destumping and otherwise preparing of the 3,640 acres which compose the big farm owned by the state, eleven miles from this place.

The men transferred here from Flat Top were all in good health this morning, according to Warden Fountain, none having succumbed either to the trip, the six mile march from the train to camp, or to the hot sunshine of Monday.

There are now 610 convicts at the prison farm here, 124 being trustees who, with the assistance of a handful of free carpenters, have done all of the work of constructing buildings, installing the elaborate lighting and sanitary systems and even stretching the eleven miles of telephone wires between this place and the prison farm.

When Warden Fountain and a dozen or two picked men from Kilby and Speigner prisons arrived on the site of camp Monday morning.

ADVERTISER

BOSTON, MASS.

JUL 3 1928

Alabama Ends Slavery

A form of human slavery, worse even than the bondage in which the negroes were held in the South before the Civil War, has just been ended by the State of Alabama.

This was the convict-leasing system, under which persons convicted of very petty infractions of the law were leased out to contractors for work in mines and in the timber swamps for the term of their sentences. On the surface it seemed an economic measure, in that the cash paid to the State for the services of convicts added to the public revenue and there was no expenditure for maintenance of prisoners. In practice it was the most inhumane, most brutal and most degrading of all the systems devised to make slaves of human beings.

A large percentage of the prisoners died from exposure, ill-treatment, poor food and, often, from being given no food. Men were deliberately killed for slight in-

fractions of rules. The lash was used without mercy by overseers. The system became the shame of a great commonwealth.

More than 10 years ago disgusted citizens began a crusade to have the barbarous system abolished. The employing interests fought the new idea. But finally a Legislature passed a law that put an end to the barter in human flesh, and the last day of June saw the wiping out of what may be termed the final trace of slavery in this country.

Under the new law prisoners will work for the State on the highways and on model farms. They will be profitably employed, and there will still be financial return to the State, but a convict will be regarded as a man, not as a chattel.

SOMETHING WRONG SOMEWHERE

When officers of the law continue to kill innocent people and the habit becomes widespread and frequently practiced, there is something wrong somewhere. The fact that the victims are innocent leaves only the law and the officers involved. There might not be anything wrong with an officer who shoots a peaceful law-abiding citizen in the line of duty, but there is something wrong with the law and the community spirit that permits it, and the chances are that the officer is sure of his indulgence.

We do not know how far the law permits an officer to go in performing the duty of safeguarding the life and happiness of the community that employs him; we do not know the circumstances under which he is permitted to shoot even a fleeing suspect, but we do know under what conditions the law justifies him in using a club or a revolver to emphasize his sovereign guardianship. We do know that peaceful law-abiding citizens have suffered discomfort, material losses, and death at the hands of agents of the law without having provoked even the slightest suspicion of wrong doing or being in any way responsible for the error out of which their loss, discomfort or death grows. We do know that it is both brutal and shameful and that the proper community spirit could stop it.

It happens in Birmingham; it happens in the State outside of Birmingham; it happens at Washington, at Niagara Falls, in the hills around about moonshine stills, and other places that officers of the law shoot self-respecting, law-abiding, innocent citizens to death as well as fleeing suspects. It happens on the highways; it happens with women as well as men. The strongest reminder of the wrong there is in it culminates in an investigation in which a verdict of justifiable conduct in the line of duty closes the scene on a crime more horrible than that which might have been prevented by the effort. Some victims are said to be resisting officers, some commit suicide; some are fleeing for life; some are known to have had money that disappeared; some are innocently passing along—all are human and have a right to protection.

The shooting to death of J. D. Hanson, respected citizen and popular fraternal man of Niagara Falls, N. Y., by two prohibition officers whom he thought to be highwaymen and from whom he fled for his life only to lose it at the hands of his protector and guardian, is just one incident of recent occurrence. The shooting to death of a Negro on the streets in Washington by officers under circumstances equally as unjustifiable, is another. And then the shooting of two Negroes both highly respected law-abiding men visiting in Birmingham in recent months, besides other apparently unjustifiable killings by officers of the law leaves one to wonder what to expect, or how to behave when he is accented with "hands up" order.

Between the highwayman and the officers of the law, there is a rather poor chance for the fellow with a conscience, and who cares to avoid doing injury or getting injured himself. He can hardly venture out at night without the gravest apprehensions. If he makes an error and kills an officer mistaking him for a highwayman he is in for trouble; but, if the officer errors on a bootlegger or a burglar and kills the mostly highly respected citizen, it is just too bad. The victim either drew a gun or made a motion to draw; there was a gun on him or close around. There is something wrong with the

law that permits this. There might also be something wrong with the officer that does it, but the fact that he is the agent of the law and is indulged in it has made the repetition common, and made officers feel free to do it.

Singularly, there are those who fault prohibition, who contend that the modification of prohibition will lessen these crimes in the name of the law—that the wrong is with prohibition. In what way would the open sale of rum lessen the opportunity to chase bootleggers, or change the quality of the law personnel, or require the more rigid enforcement of reason and human treatment by officers of the law? When agents of the law begin to destroy peaceful and law abiding citizens, then the community is destroying itself through its agencies. Agents are creatures of their principals and when they begin to destroy the source of their existence there is a fatal malady in the heart that will cause the community involved to be avoided.

Crime-1928

Pair Condemned For Murder Of Negress Now Alive Are Pardoned

George Elder and Louise Butler, Lowndes County negroes, who on April 26, were convicted of murder in the first degree and sentenced to death, but whose supposed victim later reappeared alive and well, were pardoned yesterday by Gov. Bibb Graves.

The case is one of the most unusual of its kind on record in this state. Mary Cecil Warren, negro girl, whom George Elder and Louise Butler were found guilty of murdering, is the niece of the Butler woman and had lived with her. It was stated yesterday that it developed during the trial of the man and woman that the man, woman and girl had quarreled and that the girl after being severely beaten disappeared.

Faced with the charge of killing the girl, the man and woman, it appears, not knowing whether the girl was dead or not and fearing that she might be dead, confessed to the killing. They were subsequently convicted and sentenced to

pay the extreme penalty. Some time elapsed.

Then one day, several white men, on business in a neighboring county saw and recognized Mary Cecil Warren, who was supposed to have been killed. They immediately communicated this information to the authorities with the result that the girl was positively identified and the governor was promptly notified of the circumstances.

Gov. Graves issued temporary paroles to Elder and the Butler woman until the board of pardons made a recommendation in each case. A few days ago the board in a report to the chief executive, recommended that both negroes be pardoned.

The governor also issued the following paroles yesterday: Turner Ford, Talladega, June 6, 1927, distilling, 18 months to 2 years. Howard Knight and Hoyt Knight, Randolph, March 4, 1927, distilling, 2 to 3 years. Jeff Hayward, Marengo, April 2, 1926, burglary, 10 to 12 years.

300 PRISONERS LEAVE FLAT TOP

Convicts Transferred From
Mines To Other Employment
Without Incident

Under the direction of Hamp Draper, associate member of the State Board of Administration, 800 convicts were transferred Sunday from the coal mines at Flat Top and Aldrich to other employment, without a single escape, attempted escape or disorder of any kind. This is an achievement that is believed to be unique in the history of the Alabama State Convict Department.

The prisoners transferred, all of whom were negroes, were extremely docile, it is stated, seemingly enjoying the experience of being given other work to do. The transfer of 500 prisoners from Flat Top to the new prison farm near Atmore, Ala., was by special train. Transfer of 300 other convicts from Aldrich to road camps located in various sections of the state, was carried out by motor trucks.

The attitude of the prisoners with regard to the change was apparently expressed, it is stated, by the remarks of one negro convict upon leaving Flat Top and arriving at the prison farm in Escambia County. "Goodbye, old Flat Top, I hopes I never sees you no more," he is quoted as stating upon his departure. After reaching the farm, with the clear sky overhead and the open fields and woods surrounding him, the same negro is said to have stated to an official: "Boss, I'd go to de electric chair 'fore I'd run away from dis here place."

Whites Outnumber Negro Prisoners In Anniston

ANNISTON, ALA., Aug. 2. (Special) —Anniston police officers doctored 262 cases during July, the monthly report of Warden Gus Waters revealed today. Of the cases placed on the blotter, 168 were against white defendants, 154 men and 14 women. The remaining 94 cases were against negroes, 79 of whom were men and 15 women.

Alabama.

Convict Lease System Ends July 1; 872 To Be Taken From Mines

After many years, the leasing of the labor of state convicts will officially come to an end on Sunday, July 1, when the 872 state prisoners now at Flat Top and Aldrich mines will be put to work building roads and farming. Details of the transfer were announced yesterday by Hamp Draper, associate member of the state board of administration.

Movement of 500 convicts from Flat Top and 300 from Aldrich Mines, will begin promptly at 7:30 o'clock Sunday morning. All of these prisoners are negroes. From Flat Top the movement of prisoners will be carried out by the operation of a special train. This train will proceed from Flat Top to Birmingham and from there, via Montgomery and Atmore, to the new prison farm located near Atmore. The train which will operate out of Birmingham on a fast schedule, as "second No. 1," will not make a single stop between Birmingham and Montgomery.

Escape Precautions Taken

Every precaution will be taken against the escape of any of the prisoners from the time the special leaves Birmingham at about 9 o'clock Sunday morning until the convicts leave the train at the prison farm near Atmore at 3:20 o'clock in the afternoon. Mr. Draper will be in personal charge of the transfer, and will be accompanied by Dr. R. A. Burns, physician-inspector of state prisons. There will be 20 prison guards on the train, also eight state law enforcement officers and some eight or ten railroad special agents—all of whom will be on constant watch to prevent any attempt at a break for liberty. Three of the prison department's best bloodhounds will also be taken along on the special, so that if a prisoner should escape, the dogs can immediately take up his trail.

Transfer of the 300 convicts at Aldrich, will be by motor truck. Seventy-five will go to state road camp "A," in Hale County; 75 to the road camp at Brent in Perry County; 75 to the road camp in Montgomery County on the Carter Hill Road and the remaining 75 to the state camp will be put to work by the state on the construction of a highway from Andalusia to McKenzie.

Began In Kilby's Term

Agitation for the abolishment of the so-called "convict lease system" in Alabama began during the administration of former Gov. Thomas E. Kilby, and reached its climax toward the close of the four-year period during which William W. Brandon was governor of the state. The abolishing of the "leasing" of convict labor was one of the planks in the platform of Gov. Bibb Graves during his campaign. This promise will be fulfilled to the letter, Sunday.

Act of the Legislature abolishing the "lease system" was passed during the Spring session of the state's law-making body last year and was immediately signed by Gov. Graves. This act pro-

vided that all convicts must be removed from work in coal mines and lumber mills and placed at work for the state on or before July 1, 1928.

Carrying out of the provisions of this law began soon after its approval. The first movement of convicts was to the state prisons at Kilby and Speigner, where night shifts were organized in the state cotton mills at both places to furnish employment for more men. A metal tag factory was erected and equipped at Kilby and is now being operated by convict labor. From time to time, removals were made from the mines as other employment was found for the state prisoners, many being put to work on the state's roads.

With the establishment of additional road camps and the purchase of another state farm to be operated with convict labor, near Atmore, employment has been provided for the remainder of the prisoners who are to be transferred Sunday.

State Prepares To Move 840 Negroes From Underground To Road Camps And New Farm

Aldrich And Flat Top Inventory Ordered---
Operators Ready To Replace Men With
Free Labor---Housing Is Provided

FINAL preparations were being completed today for the removal of the last Alabama convict from the coal mines of the state.

On June 30, approximately 840 negro convicts will be taken from Flat Top and Aldrich mines and distributed among the state prisons.

Removal of these convicts from the mines will end the last vestige of the convict lease system in this state against which social workers and humanitarians of the state have worked for many years.

The removal is in accordance with the law passed by the last legislature which fixed June 30, 1928, as the day for the removal of the last man from the mines.

Inventories Being Made.

Inventories are now being made at Flat Top and Aldrich preparatory to turning over the camps to the Sloss-Sheffield Co., which owns Flat Top, and the Montevallo Mining Co., which owns Aldrich.

Most of the convicts taken from the mines will be sent to the new Atmore prison, being built by the state, Hamp Draper, head of

the state convict board, announced today. About 300 of the convicts will be distributed among the various road camps.

"We will have no difficulty in using the men," Draper said. "We have had sufficient time to prepare work for them and there is plenty for them to do."

Five hundred convicts will be sent to the Atmore prison, which is now under construction. The housing units have been finished and the entire prison, one of the most modern in the south, will be completed by Sept. 1.

The Atmore prison is being built on 3600 acres of land bought by the state in the rich farming section of Escambia county. The state paid \$76,500 for the land and will spend approximately \$75,000 on the buildings.

To Use Farm.

Some of the convicts at the Atmore prison will be used on the farm. The state now has 560 acres under cultivation and next year will largely increase this acreage.

"We plan to grow a large quantity of vegetables on this farm," Draper said. "We are also planning to establish a canning plant and hope to can enough vegetables for all the prisons. We will also grow some cotton and corn."

Part of the men at Atmore will be used on the highway construction between Atmore and Blacksher, where the department has a 22-mile link under construction.

To Keep River Falls.

The lumber convict camp at River Falls will also be closed on June 30, but the men will not be

moved, Draper said. There are 75 convicts there and these will be used on road work between Andalusia and McKenzie, where the convict department is building 25 miles of road.

The removal of the convicts from the mines will not interrupt work at either Flat Top or Aldrich, according to mine officials.

The Sloss-Sheffield Co. has built a new camp to serve Flat Top. Over 160 houses have been constructed in the Blossburg section, about three miles from the present entrance to Flat Top and a new manway driven to the workings, thus reducing the distance miners have to walk. The new camp will be known as Alden.

All preparations have been made for working the mine with free labor.

Similar preparations are being made at Aldrich, where the company has been busy with an extensive construction program for several months.

50 New Houses.

Fifty new houses are being built, which with the 83 in the old camp will be sufficient, officials estimate. A new commissary is also being built and the old one remodeled into a community meeting place and picture show.

A new bathhouse has been built and another is to be erected, while a school to accommodate 200 children is also under construction.

The company will tear down the old prison and the old W. F. Aldrich home and use the lumber in building foremen's houses and in other work.

The company now has sufficient labor to operate the mine, it was said.

Thirty Per Cent More People Are Jailed During Past Fiscal Year

By JOE M'COY

Commitments to county jails in Alabama during the fiscal year ending Sept. 30, 1927, increased 30 per cent over those of the preceding fiscal year. This is shown in a comparative statement that has been filed with Gov. Bibb Graves by Dr. Glenn Andrews, state prison inspector.

During the fiscal year ending Sept. 30, 1927, the statement shows, 37,701 persons were committed to county jails in the state, as compared with 28,916 for the year before—an increase of 8,785.

Such an increase is bound to be disturbing when the total figures are considered. But what is more disturbing is the fact that though the records do not show any improvement as to obedience to law on the part of negroes in Alabama, but the contrary; the records do indicate that the tendency to lawlessness on the part of the white population has increased in a greater ratio.

Of the increase of 8,785 noted, Dr. Andrews says 4,309 were white men, an increase of 33 per cent over the preceding year; 3,540 were negro men, an increase of 28 per cent over the preceding year; 336 were white women, an increase of 34 per cent, and 600 were negro women, an increase of 23 per cent. The greatest percentage of increase therefore was among white women, the next white men; negro men next and negro women last.

Although negroes do not constitute half the population of the state, only a few years ago, Dr. Andrews recalls, they largely exceeded white people in jail population, and he adds: "This condition, however, has sadly changed."

Commitments referred to by Dr. Andrews in his statement do not include arrests and commitments to different town and city jails, unless persons so arrested were transferred to a county jail to await Grand Jury action.

In a tabulation which forms a part of the report and shows increases and decreases in jail population in Alabama over a period of years, it is remarked that the number of commitments for the fiscal year 1922 as compared with 1921, shows a slight increase in both white men and women, and a slight decrease in negro men and women committed, or a total net decrease of 7.7 per cent.

For the fiscal year 1926 as compared with 1925 there was a decrease in commitments of both races and sexes, the net decrease being 7.7 per cent. These were years, it is noted, when elections for state and county officers were held and the latter year a United States senator was also elected. "This condition," Dr. Andrews remarks, "evidently had a causative effect at least in the recession of commitments during the periods mentioned."

Injustice Revealed

Attention is called in the report to the fact that there appears on feed bills rendered by the sheriffs a number of commitments of persons for one day, for more or less trivial offenses, the persons

arrested being released on bond or otherwise and in some instances at least, not being actually committed to jail. However, it is stated, the same appears on the register as though the person was actually committed to jail and charges made accordingly. "To what extent this has been carried," the inspector remarks, "will be determined when a state examiner of accounts examines the sheriff's office and wherever such has obtained, the amount which has been paid by the state will be charged back against the sheriff."

Dr. Andrews then makes this further comment: "Such procedure as the above is a gross injustice to the person arrested, by showing that he was committed to jail, when such was not true, a reflection upon the county, by indicating a greater number of commitments to jail than was actually the case, and imposes a burden upon the taxpayers by exacting fees which were not due."

"This, of course, is the inevitable result of the damnable fee system. It is a matter of interest to note that although there was an increase in commitments for the last year over the preceding year of 8,785 prisoners, which added to those brought over from the preceding year gives a total of 38,685 confined in jail compared with a total of 29,933 prisoners confined for the fiscal year 1926, the average period of incarceration per prisoner was only 10.15 days, as compared with 10.92 for the year 1926 showing a reduction of 77-100 of a day per prisoner, making a reduction of 29,787 prison days for the fiscal year. This number multiplied by \$.349, the average daily cost per prisoner for food and its preparation and serving, indicates a saving of \$10,395.66."

The inspector states there was a reduction of \$.012 per capita daily in the total cost of feeding, which effects a saving for the year of \$4,712, making a total saving of \$15,107.66 to the state, although there was an increase of 8,752 in the number of persons confined in the various jails.

In addition to the years 1926 and 1927, Dr. Andrews also draws a comparison of prisoners committed to county jails in 1915 and 1927. Commitments in 1915 were the largest on record up to that time, he says, the total being 27,042 prisoners. This period was the last before the advent of changed conditions resulting from the World War and other causes. After 1915 there was a marked decrease in commitments, until there were only 16,456 in jails during the fiscal year 1918, when the country was at war. From then until the present time, except for a slight decrease for the fiscal years 1922 and 1926, respectively, there has been a gradual, marked increase in prisoners confined in county jails.

Figures Show Increases

The comparative tabulation for 1915 and 1927 shows a total increase of jail commitments in 1927 over 1915, of 11,977 or 46 per cent. In 1915 there were committed to county jails 5,936 white men,

17,074 negro men, 362 white women and 2,352 negro women. In 1927, there were committed to county jails 17,354 white men, 15,912 negro men, 1,312 white women and 3,123 negro women. These figures are for the fiscal years ending on Sept. 30, in the respective years named. The increase in commitments of white men was 192 per cent, white women 262 per cent; negro men a decrease of 6 per cent and negro women an increase of 32 per cent.

Another interesting comparison made by Dr. Andrews in his report is the presenting of figures on causes of arrest in connection with county jail commitments for the fiscal years 1926 and 1927, respectively. In 1926 violating the prohibition law led all other causes of arrest with 7,154. In 1927 total arrests for this same offense amounted to 11,074, an increase over the preceding year of 3,920 or 54 per cent. Grand larceny came next as the principal cause for arrest with 1,451 in 1926 and 1,628 in 1927, and gaming next with 1,330 in 1926 and 2,459 in 1927. Vagrancy really comes next to prohibition law violation as one of the principal causes of arrest, it appears, with 2,821 arrests in 1927, the figures for 1926 not being given.

Concluding his report, Dr. Andrews directs the governor's attention to the fact that in a number of the counties of the state, "the physical condition of the jail building is such as to render it unsafe and unfit to be used for the purpose intended." He adds: "Although attention to this, from time to time, has been called to those in authority, only slight repairs have been made or nothing whatever done. In some instances the condition of the buildings and the way in which they are kept, is such that unless remedied it will become necessary to order them closed and forbid their further use until made safe and habitable. This department has endeavored to avoid drastic action, but seemingly it will become necessary."

Increase In Crime Shown In Report Of Inferior Court

An increase in crime in Montgomery County during 1927 over the preceding year was indicated in the annual report from the Court of Common Pleas yesterday. Figures show that 1,030 criminal cases were docketed during 1927, an increase of 250 cases in the criminal division over 1926.

During the year the court paid into the county treasury \$27,103.05, an increase of nearly \$10,000 over the amount paid in 1926, when the figure was \$17,737.42. In 1927 the court docketed 2,530 cases, 1,500 of which were of civil nature. The civil business this year was practically the same as last, there being 15 less cases docketed in 1927 than in 1926.

The court collected and turned over to the county \$27,103.05, mostly derived from fines collected for violations of the prohibition laws. In addition to this the court sentenced to hard labor 52 persons for various offenses, the time being from three to six months.

Brandon Urges Graves To Save Life Of Leonard

Former Governor Says Negro Was Tool Of His Boss

Forced To Shoot

Scores Of Letters Ask Mercy For Negro

Former Gov. W. W. Brandon has added a strong and appealing personal plea to the many others that have been received by Gov. Bibb Graves and members of the State Board of Pardons, urging the commutation to life imprisonment of the death sentence of Hays Leonard, Elmore County planter and employer of the negro, of the murder of Judge Lamar C. Smith, of Wetumpka, father-in-law of Bachelor, will die in the electric chair at Kilby Prison on the morning of Feb. 10 unless Gov. Graves intervenes.

Former Gov. Brandon in his letter to Gov. Graves states that Leonard is the type of negro who is easily influenced and who believes anything his "boss" tells him to do is right. He adds that he believes the law has been vindicated in the execution of Bachelor, who was electrocuted at Kilby Prison last July and that while there is no doubt of the negro's guilt, he thinks a life sentence would be sufficient punishment.

Text of Letter

The full text of the letter of the former governor who is now probate judge of Tuscaloosa County, follows:

"To his excellency, Hon. Bibb Graves, governor of Alabama, Montgomery, Ala. 'My dear governor:

"I understand that Edward Quigley will present to you a petition for executive clemency in the case of Hays Leonard, the condemned negro for killing Judge Smith.

"I have thought of this case more than once and have reached the deliberate conclusion that this negro is a fit subject for commutation to life imprisonment. He is a 'cornfield' negro who was under the domination and control of his 'boss' and my experience with this type of our citizenship is that whatever the white man tells them to do they think it is right and are influenced by him.

"While I do not condone the crime in the least I do believe that the execution of Bachelor vindicated the law and meted out justice to the proper one and, while the negro is no doubt guilty, a life sentence would be sufficient punishment.

"In addition to this, Bachelor made a statement, as I am informed, that he was to blame and appealed to your excellency to have mercy upon the poor darkey. I, therefore, join with others in asking your excellency to commute his sentence to life imprisonment.

"Very truly yours, William W. Brandon."

Letters urging commutation for Leonard have come to the pardon board and Gov. Graves from ministers and members of religious organizations throughout the state. In all of these communications, the low degree of mentality evidenced by the negro before and during his trial, is especially stressed.

Bachelor Asked Mercy

Attention is also directed in the letter of former Gov. Brandon and in other letters, to the fact that in a message bearing his own signature which Bachelor sent to Gov. Graves only a few hours before he went to his death in the electric chair, Bachelor entreated the governor to commute Leonard's sentence. He declared in this last message that he planned the murder of his father-in-law, that Leonard had an inferior mentality and that he was under his complete control and domination when the crime was committed.

Leonard freely confessed to firing the

shot that killed Judge Smith, but contended he did not want to do it, stating he was compelled to through fear of Bachelor who stood nearby with a pistol in his hand. All final pleas for and against executive clemency for the negro will be considered by Gov. Graves and the State Board of Pardons, at a hearing to be held at the capitol on Monday, Feb. 6, beginning at 10 a.m.

In addition to the communication which arrived yesterday at the capitol from former Gov. Brandon, appeals for clemency for Leonard were also received from Thomas A. Murphree, Birmingham attorney; Mrs. W. J. Adams, Birmingham and Edward W. Quigley, Birmingham.

Among the ministers recommending commutation for Leonard is Rev. Peerce N. McDonald, rector of the Church of the Ascension at Montgomery, who said that in all his experience, he has yet to hear one who felt that Leonard should be executed. He stated also that in his opinion if Gov. Graves should commute the sentence of the negro, such action would receive the unanimous approval of the thinking men of the community.

Magic City Man's Plea

Edward T. Guice, of Birmingham, stated he does not believe Leonard would have committed the crime if he had not been afraid Bachelor would kill him.

L. S. Culpepper, business man of Birmingham, contends it has been conclusively proven that Leonard is not a murderer at heart, but was the victim of circumstances, and that life imprisonment would be sufficient punishment for the negro.

L. L. Trent, Jefferson county Y. M. C. A. secretary, stated he believes Leonard was but a tool in the hands of Bachelor, and that his punishment should not be so severe as Bachelor's.

J. D. Dabney, of Birmingham, contends that Leonard was under Bachelor's domination and would not make known Bachelor's purpose for fear of bodily harm from other white people who would not have believed what he said if he had told it.

Executive clemency for Leonard is recommended in a letter to Governor Graves from the Anna M. Duncan Club of Montgomery, which communication was signed by the following committee, H. M. Gibbs, W. T. Jacobs, W. R. Powell and G. J. Bragsdale. The letter expressed the belief that the negro has a low degree of mentality and that Leonard believed he had to obey the command of his white "boss."

Negro Church Acts

Formal resolutions have been adopted by members of the St. John African Methodist Episcopal Church, South, of Montgomery, appealing to Governor Graves to commute Leonard's sentence. Reverend H. C. Terrell, pastor of the church, stating that members of the congregation though they do not believe in breaking the law, do believe that because of Leonard's low mentality, his sentence should be commuted to imprisonment for life.

Other appeals for commutation of the

negro's sentence have been received from Mrs. Willie Belle Aycock, of Selma; Dr. W. E. Allen, Selma; Charles A. Craven, Birmingham, and Dr. Ambrose A. Grayson, of Mulga.

Protesting against any change in Leonard's sentence, T. F. Willis, of Matthews, Ala., who states, "let him go to the chair," adds that he thinks Leonard should pay with his life. "He killed Judge Smith without any cause," Mr. Willis says in his letter, "and I feel that he should go with Bachelor for he was paid to do the crime."

CONVICT FARMS TO BE SURVEYED

Committee To Inspect Lands
Named By Charles Moffett,
State Administrator

Farm lands offered for sale to the state in the counties of Escambia, Marshall and Etowah, in response to the advertisements of the State Board of Administration for cut-over and in these localities suitable for establishment of convict farms, will be surveyed and inspected by a special committee which will begin their work Monday.

The personnel of the survey committee, as announced yesterday by Charles A. Moffett, president of the State Board of Administration, follows: B. F. Williams, Wetumpka, business man and farmer; J. S. Stroud, state soil surveyor and J. H. Smith, warden at Speigner Prison and practical farmer. This committee will go to Brewton Monday, Mr. Moffett said and will proceed from there to the counties of Etowah and Marshall. A total of some 12 or 14 offers of land have been made in response to the state's inquiry.

Each of the proposed farms is to comprise between 2,000 and 3,000 acres, Mr. Moffett stated. All of the areas under consideration are unimproved, cut-over land. The plan is, after the areas are purchased, to erect permanent quarters on each for 200 prisoners and temporary quarters for a similar number. It will take practically a year, it is estimated, to get all the land to be farmed cleared and ready for cultivation. By that time the state will have acquired two more farms which will provide for some 400 additional prisoners.

The whole idea of establishing these farms is to provide profitable employment for the approximately 900 state convicts, all negroes, who are still engaged in coal mining or sawmill work and who, under the law, must be placed at other tasks on or before July 1, this year.

Lawyers Move To Save Hays

Negro's Attorneys File
Plea For Clemency

The first move in bringing the case of Hays Leonard, condemned negro slayer of Judge Lamar Smith, before Gov. Bibb Graves, was taken Thursday when attorneys for Leonard filed a formal application for a hearing on the case before the governor. Gov. Graves immediately notified members of the State Board of Pardons, asking suggestions relative to the setting of a convenient date for the hearing of the case.

The application set forth as the grounds for the request for a hearing:

"That he is a negro of low mentality, and at the time the crime was committed your petitioner was in the complete control of Clyde Reese Bachelor. That Bachelor had a gun trained on him and forced him to shoot Judge Lamar Smith. That Bachelor dominated him at all times, and forced him to do his bidding, and that he committed this crime under duress of compulsion from Bachelor, and in actual fear for his life at the hands of Bachelor, unless the crime be committed."

Leonard is represented in the application for a hearing by Fred T. Farrell and R. S. Melton, of Tallassee, who represented him during his trial.

He is under sentence to die in the electric chair at Kilby Prison, where he is now held in the death cell, Friday, Feb. 10. If the same procedure is followed in this case as in prior cases, it is doubtful if the hearing will be held until within a week or ten days of the date set for the execution.

Elmore Man Asks Parole

Negro Slew John Berry In
1871; Asks Freedom

Presentation before the State Board of Pardons at the capitol yesterday, of application for parole of John Thomas, alias Freeman Long, negro, brought to light again after the lapse of more than a decade, details of the most extraordinary man-hunt in the history of Alabama, a man-hunt that continued for more than 41 years.

John A. Berry, prominent and respected citizen of Elmore County, was murdered on Dec. 18, 1871. He was duck-hunting accompanied by his 16-year-old son, when a charge from a shotgun, fired at close range by the murderer, practically tore his head from his shoulders. Almost fainting with horror at the terrible fate of his father, the son hid all night in an abandoned cabin and the following day found his way back to his home where he related the story of his father's tragic death.

Freeman Long, was arrested for the murder and placed in jail. A few days before the date set for his trial, he escaped and all efforts to locate him proved futile. The murdered man's son, J. W. Berry, determined to bring his father's

slayer to justice, refused to give up the search. After 41 years, his efforts were rewarded.

Tracing an application for a pension as a federal soldier, of one, John Thomas, a negro then residing in Georgia, Mr. Berry found that this negro was none other than the long-sought Freeman Long. He had Long arrested and brought back to Alabama and on Oct. 18, 1912, the negro was convicted of murder in the first degree and sentenced to imprisonment for life.

In a book neatly printed and bound, J. W. Berry has set down the history of his search for Long.

Counsel for the negro, appearing before the pardon board yesterday, argued that the evidence against him was all circumstantial and pointed out that 41 years elapsed between the crime and Long's trial.

FASTENING THE CRIME

--Sp



Advertiser

1-11-28

Montgomery, Ala.

Scar On Electric Chair Is State Receipt To Bachelor

BY FRANK SMITH

Have they told Hays Leonard of that scar on the electric chair in Kilby prison? Now that the death of Clyde Reese Bachelor left a mark on that instrument of execution which has never been eradicated?

Hays Leonard sits in that chair soon. He will be there to pay with his own life for taking that of Judge Lamar C. Smith whom he killed. Clyde Reese Bachelor has already paid the supreme penalty for this crime, for it was this man, Judge Smith's son-in-law, who motivated one of the most shocking tragedies in the state of Alabama.

When Bachelor sat in the chair at Kilby and the current was turned on which was to send him crashing into oblivion, something unforeseen happened. An electrode slipped from place and the fierce heat of 2,000 surging volts of electricity seared the wood and bit deeply into the wood of the prison's electric chair. There is a brown scar on the head rest of the piece of furni-

ture. A brown scar which testifies that the murder of Judge Lamar C. Smith has been expiated by the death of a white man.

Hays Leonard sits in a death cell at Kilby prison hoping against hope that His Excellency, Governor Bibb Graves, will be moved by the many pleas made in behalf of the negro to commute the sentence to life imprisonment. A white man held a pistol at Leonard's side and commanded him, more of an ape than a man, to fire the fatal shot. Leonard obeyed the voice of his white master. There was nothing else for him to do.

His finger pressed the trigger. Judge Smith died. And Clyde Reese Bachelor paid with his life for forcing the negro to be the instrument of his murderous desire.

That scar on the chair is the state's receipt to Bachelor who said before he died that he wanted to pay in full for his deed. Does the state require full payment by another who committed the crime to save his own life?

posed of B. F. Williams, of Wetumpka, farmer and business man; J. H. Smith, warden of Speigner Prison, who is also a practical farmer of long experience; J. F. Stroud, state soil surveyor and expert. This committee found the Huxford property to be ideal for agricultural purposes.

Of the 3,640 acres included in the farm, about 560 acres are cleared and under cultivation. Practically all of it is strongly fenced. A large acreage of excellent timber, will provide ample lumber for all buildings the state will erect for housing and caring for convicts, for the shelter of farm machinery and perishable crops and for farm animals, it is announced.

Mr. Moffett said that after the report of the investigation and survey committee was received, he and Hamp Draper, associate member of the board of administration, spent two days in personally visiting and inspecting each of the properties that had been offered the state for purchase and their judgment as to which property was the most desirable, coincided with that of the committee members.

Movement To Begin March 1

The movement of convicts to the plantation will begin about March 1. Mr. Moffett said and by the Spring of 1929, with the work of these prisoners, it is expected that between 1,500 and 2,000 acres will be cleared and ready for cultivation. The farm will produce largely food crops. All surplus, after the prisoners on the farm have been provided with food produced on the plantation, will be canned and shipped to prisons and prison camps elsewhere.

Another big plantation will be bought by the state in North Alabama in the near future, to provide for the employment of some 400 or 500 additional state convicts. This farm will probably be located in Etowah County.

At the present time, Mr. Moffett said, there are about 900 state convicts, all negroes, at work in coal mines or at saw mills. The law provides that all state prisoners must be out of the mines by

July 1, of the present year. Before that time, Mr. Moffett stated, every state convict now working in mines or lumber plants, will be employed on farms or in highway construction. More than 600 state prisoners are already being worked on state roads in Alabama.

'Please, Gov. Graves, Please,' Begs Negro

A sheaf of letters reposing in a file in the outer office of Gov. Bibb Graves bear testimony to a growing wave of public opinion throughout the state favoring the commutation of the death sentence of Hays Leonard, negro accomplice in the murder of Judge Lamar C. Smith, to life imprisonment. 1-10-28

Leonard, if the governor does not exercise the power of executive clemency vested in him, will die in the electric chair at Kilby prison between midnight and daybreak of the morning of Friday, Feb. 10. He was taken to Kilby Prison a few minutes after he was sentenced by the Elmore County Circuit Court week and placed in the death cell, await execution.

So far no formal request for a reprieve by the governor has been received at the state capitol. Gov. Graves returned to his office late yesterday afternoon, stated, however, that he would follow his usual custom into the case thoroughly before the sentence was carried out.

Among the letters in the Leonard file is one from the negro himself. It was written in the Montgomery County jail on Dec. 22, a few days after the Supreme Court affirmed the death sentence he was under.

"Please Your Honor"

The letter, which is poorly written with pencil on cheap tablet paper, is short:

"Montgomery County Jail,
"Dec. 22, 1927.

"Gov. Bibb Graves:

"Your honor, please, Gov. Graves, my life is at your mercy and the good people of Ala. Gov. Graves, please commute my sentence to life imprisonment. Please your honor, Gov. Graves.

"Yours truly,

"HAYSE LEONARD."

Other Letters Ask Mercy

The letters in the file, without exception, ask mercy for the negro, uniformly basing their plea upon the assertion that the party on whom the real guilt lay has paid the price demanded by the law, and that Leonard, through his ignorance and circumstance tending to show he acted under compulsion, was deserving of mercy.

Their full text follows:

"Dear Governor:

"Some time ago I called you over the phone and congratulated you on the stand you took in regards to Clyde Reese Bachelor. At this time I cannot help but write you in regards to Hays Leonard, the negro who is to be electrocuted for the murder of Judge Smith.

"Governor, if there is any possible way that you can conscientiously prevent this negro from going to the electric chair, I hope you will do so. I can-

not help but feel that the real guilty party has paid the price, as this negro was forced to do what he did. I know how you feel in enforcing the laws of

our state, and I know whatever you do will be done after a prayerful and careful consideration. I could not refrain from speaking a word in behalf of this friendless negro. I believe if Judge Smith could speak at this time he himself would make the same plea I am making.

"May the New Year bring to you peace and happiness. I am,

"Yours very truly,

"W. E. ALLEN."

(President, Alabama Dental Association)
Selma, Ala., Jan. 5.

From Thomasville

Dear Gov. Graves:

"The enclosed clipping is from yesterday's Mobile Register. I want to tell you that my heart is full of gratitude and thankfulness that we have a chief executive who is so willing to temper justice with mercy. Such an act was a fitting observance of the birthday of the Prince of Peace—and I think you are splendid for having done it.

"I know that a great many people are interested in having Hayes Leonard's sentence commuted to life imprisonment—and may I add my plea to those that you have received. We all know that any white man, of any standing whatever, could force the average negro to do anything—and I hope with all my heart that you won't let them take the life of this negro. 1-10-28

"Wishing for you and Mrs. Graves the best and most successful New Year that you have ever had, I am,

"Yours very truly,

"JULIA M. ALLEN."

Thomasville, Ala., Jan. 5.

"My Dear Governor:

"I see in today's Advertiser where the Supreme Court affirmed the lower court's decision relative to the case of Hayes Leonard, (negro) that half-witted, poor, ignorant negro, that to my mind and every other citizen in this part of the country, especially in my community, is of the opinion that he was badly scared and forcibly driven into what he did under the point of a gun (kill Judge Smith—a horrible deed I must confess) of whom I knew intimately, also his wife. Every person I have heard express themselves says that he should not be hung, but given a life sentence and as a personal friend and supporter of your administration I am going to ask you a favor, if you can conscientiously do so, and I believe you can do this with a clear conscience, and for humanity's sake commute this to life imprisonment and let the poor unfortunate work it out, and trust, governor,

that you may be able to see this matter in the same light I do. I live out at Shorter's—Tuskegee and Montgomery Highway. If you remember you and your wife stopped by to see me not so long since. Would appreciate a reply from this and what you think of it.

"J. H. BOYD."

Shorter's Ala.

"Dear Governor Graves:

"May I presume to write you in behalf of the condemned negro, Hayes Leonard? I feel that he deserves clemency, for truly his act was in self-defense. By Clyde Reese Bachelor's own statement the negro killed to keep from being killed.

"He could not free himself from Bachelor if he would. Imagine the effect of his story if told to any white man in Wetumpka. Had he told of the sinister plot he would have been either harshly dealt with or confined as insane.

"I do not feel that he should be pardoned, for with his low mentality he might again be preyed upon and be a menace. It would be a mercy to keep him in prison. I do plead for his life. He was not equally guilty with Bachelor. A fine thing to remember about Clyde Reese Bachelor was his desire for justice for the poor negro.

"I realize the tremendous burden of responsibility that is yours. I have faith in your judgment and in your heart. However, I felt that you would not mind knowing how some of your friends feel in regard to the matter.

"With sincerest regards, I am,

"EMMA D. UNDERWOOD."

Jan. 6.

Plea Made For Life Of Negro Who Killed Judge Lamar Smith

By ATTICUS MULLIN

Hays Leonard, the negro who slew Judge Lamar Smith, of Wetumpka, will be resented today at Wetumpka. Judge George F. Smoot will tell Hays Leonard that he must die for the murder he committed. 1-10-28

The writer was a friend in life of Judge Smith. Judge Smith was a fair-minded man, a man who could weigh matters with the exact scales of justice. He is dead and is no more and his bereaved, heartbroken family, lives on but the Smith idea of justice, exact justice, must be with them and is with them.

A desperate criminal-minded negro killed my father. He killed my father, as Judge Smith was killed, without a scintilla of reason, and without even the slightest cause. 1-5-28

But there was a difference. The negro who killed my father was a negro with a criminal record whom my father had arrested. He was a sharp criminal, well-witted, and took his chances with the law. 1-5-28

I cannot be accused of having a maudlin sympathy with a negro murderer by those who read this article, either by the family of my slain friend or by those who might be ready to ascribe maudlinism to me.

But I feel that every man, woman and child in Alabama will be partially guilty if Hays Leonard is electrocuted. Guilty of what, you ask? Guilty of taking hu-

Escambia Farm Bought By State Pays \$60,000 For 3,640 Acres

Purchase by the state for \$60,000, of a plantation in Escambia County, comprising 3,640 acres, upon which 40 convicts will be worked, was announced yesterday by Charles A. Moffett, president of the board of administration. The farm purchased was one of some 12 or 15 offered in response to advertisements placed by the board and was the unanimous choice of the special investigation and survey committee appointed to visit and thoroughly inspect all properties under consideration and recommend to the board as the one regarded as the most desirable.

The plantation which has been bought from C. C. Huxford at an average price per acre of \$16.50, is located 10 miles north of Atmore and 15 miles west of Brewton. It is two miles from the tracks of M. S. B. & P. Railroad, over which the Frisco Railroad is now also operating trains into and out of the Port of Mobile. A large creek traverses the western boundary of the property, upon which are also located three artesian wells. Farm buildings include tenant houses and a large barn.

Committee Reported

The committee that made all investigations of properties offered and recommended in a written report, the acquiring of the Huxford plantation, is com-

man life, as low and undeveloped as that life is, almost as low as the gorilla in the forests of Africa but still a human life.

Clyde Reese Bachelor, according to the evidence, made Hays Leonard, an unlearned, almost if not quite an animal, kill my friend Judge Lamar Smith. Hays Leonard was only a weapon in the hands of this educated white man. He was almost as the gun which he held in his hand when he fired the fatal shot, a thing without brain, without humanity and without knowledge. For us, the social organization we call the state, to take the life of this gorilla-man, whose soul may be akin to that of a human, is almost if not quite murder. If we needed his skin, his bones, his form to advance the cause of science, or if we needed his flesh for human sustenance, we would say "kill him" but do we need either?

LEONARD SENT TO FLAT TOP MINE

Negro Whose Sentence Was Commuted Will Begin Digging Coal Today

Hays Leonard, whose sentence of death was commuted to life imprisonment Thursday by Gov. Bibb Graves, only a few hours before the negro was to have begun the march to the electric chair at Kilby prison, was on his way to Flat Top mines last night. He will begin digging coal today.

The negro, who had been convicted and condemned to death for the murder of Judge Lamar Smith, of Wetumpka, but who was found by a special sanity commission to be an imbecile and a mental defective from birth, was put to work in the prison shirt factory at Kilby, temporarily, yesterday morning, but began his journey to the mines late in the afternoon.

Under the law, the working of state convicts in coal mines must end on July 1. After that time, other work will be found for Leonard, who was formerly a plantation hand and who is strong and able-bodied.

GRAVES TO HEAR PLEAS FOR HAYS

Large Crowd Expected To Attend Hearing At Capitol Today

Hearing to determine whether executive clemency will be granted Hays Leonard, negro slayer of Judge Lamar Smith will be held before Gov. Graves today at 10 o'clock in the hall of representatives at the capitol. Leonard is sentenced to die in the electric chair Friday.

A crowded gallery is expected to attend the hearing and a large delegation from Elmore County is expected to urge that the negro be put to death.

Scores of letters, a large majority urging mercy upon the ground that the negro was forced to commit the crime by his "master," Clyde Reese Bachelor, have been received by the governor. Bachelor, who was electrocuted for the deed, in a letter written just before his death, asked

that the negro's life be spared.

Attys. Farnell and Melton, of Wetumpka, are expected to appear in the negro's behalf, while Attys. Holley and Tate, of Wetumpka, are expected to urge that the law be allowed to take its course.

THE HAYS LEONARD DECISION

After the report of the sanity commission which examined Hays Leonard, there was no longer much cause for controversy between citizens who had disagreed as to the justice and wisdom of executing Leonard. This commission reported to Gov. Graves that Leonard was an "imbecile."

"Alabama," Gov. Graves promptly declares, "cannot execute an imbecile." He accordingly commutes the negro murderer's sentence to life imprisonment, notwithstanding that the negro had been the instrument of a white man in committing one of the most revolting crimes in the annals of Alabama. The white man behind this negro imbecile has already paid the supreme penalty.

Gov. Graves, who be it said to his credit, has usually kept a clear head in passing on appeals for clemency for persons convicted of capital crimes, weighed the Hays Leonard cause carefully and intelligently. Since petitioners for Leonard had laid so much stress on their theory that he was a weak-minded negro who was not strong enough to resist the demands of a forceful white man to whose master he had been accustomed to yield, Gov. Graves prudently summoned a commission of experts to study the mental condition of the prisoner. This commission was composed of Dr. William D. Partlow, Dr. R. A. Burns and Dr. S. E. Centerfeit. After careful examination of the prisoner they were convinced that he was an "imbecile" with the "mental age of a child of eight."

On the strength of this report, the Governor decided that it would be the part of wisdom and justice to spare the life of the negro and order him confined for the rest of his life. It is a reasonable decision and few men will find fault with the Governor on account of it.

Leonard's Fate Placed In Hand Of Pardon Board

Men Who Knew Neg. Many Years Plead For Commutation

Mrs. Smith There Large Elmore Delegation Opposes Plea

The fate of Hays Leonard, convicted slayer of Judge Lamar Smith, of Wetumpka, rests with the pardon board and the governor, following a public hearing on Leonard's petition for commutation held in the hall of the House of Representatives Monday afternoon. The governor and the three members of the pardon board sat in at the hearing which lasted more than two hours.

Those who advocated commutation of the sentence based their plea on the assertion that Leonard is of low mentality and acted while under duress at the hands of Clyde Reese Bachelor, his white employer.

Opponents of commutation of sentence insisted that the law take its course, that Leonard is a negro above the average of farm hands in intelligence and that he killed Judge Smith because of cupidity.

Mrs. Smith, widow of Judge Smith, attended the hearing with her son, George Smith.

Fred Farnell of Tallassee and Cephus Melton of Wetumpka represented Leonard and conducted the questioning of those who appeared for the petitioner. Monroe Holly and Judge Lloyd Tate of Wetumpka appeared as counsel in opposition to commutation and led the questioning of those who opposed the petition for clemency.

Darius Martin, of near Equality, a section where the negro lived as a boy, asked the board to commute the sentence. He said he had known the negro since he was 10 years of age and considered his mental capacity as that of a boy of 12 years. "I always sympathized with him," Mr. Martin said, "and would have felt remorse if I hadn't interceded for him. He always did what white people told him to do."

Knew Him as a Boy

Judson Martin, of Wetumpka, said he knew Hays Leonard when he was a boy. He said he was humble and obedient and he never heard anything against him until the Smith killing. "He acted from fear rather than the hope of gain," said Mr. Martin. "He was a white man's

negro."

H. E. Hornsby, of Wetumpka, said the negro is of low mentality. "He has a stammering tongue and is incapable of using intelligence. He was under the domination of the white man and did not have sense enough not to do what he was told to do."

Col. V. M. Elmore, of Montgomery, advocated commutation. He said he based his request on what he had read about the case in the newspapers and had not read the evidence. "My opinion is the darkey was acting under duress when the crime was committed. It appears to me the darkey is of low mentality, about that of a schoolboy of 12."

Attorney Farnell read into the record a letter from the editor of The Tallassee Tribune to the effect that the great majority of the people around Tallassee believed the negro's sentence ought to be commuted. He also presented petitions for clemency signed by a number of Elmore and Coosa citizens. He said three members of the jury which convicted Leonard wanted his sentence commuted while three others said they would be satisfied with any action taken by the board. He submitted a copy of the letter written by Clyde Reese Bachelor in which Bachelor admitted full responsibility for the crime. Mr. Farnell asked the board to either hear Leonard's story from his own lips or take the proper steps to ascertain his mental status by expert examination.

Hired Him to Do It

W. W. Jones of Wetumpka opposed commutation. "We don't deny Bachelor got him to commit the crime," he said. "Bachelor hired him to do it for \$1,000 which included besides the cash offered, cancellation of Leonard's debt for his automobile and cancellation of farm debts." Mr. Jones recited the evidence in the case and also said he and Mrs. Jones were in the Smith home playing bridge on more than one occasion when Leonard came to kill Judge Smith but their presence prevented him from doing so. He said the negro was of more than the average farm hand intelligence. He said it was not unwillingness which prevented Leonard from killing Judge Smith on several occasions but unforeseen circumstances. He said Leonard always came to the Smith home between 8 and 9 o'clock.

Dr. O. S. Justice, of Central, in Elmore County, and a state senator, opposed commutation. He said Leonard has more than the average farm hand intelligence. When he was asked a question by Atty. Gen. McCall Dr. Justice made the statement that Bachelor was one of the smartest white men in the county and Leonard was one of the smartest negroes.

J. B. Airey, mayor of Wetumpka, said the people of Elmore County wanted the law to take its course. "We have protected the dignity and the majesty of the law in Elmore County. Maudlin sympathy has swept through the state. I hope our town and county will never have to pass through another such terrible ordeal as the Smith murder. I heard the negro testify and he is not of low mentality or unsound mind."

Horrible Crime

Seth P. Storrs, of near Wetumpka, asked that the sentence be carried out.

"It was the most horrible crime ever smartest negro I've got and he helps committed in our county. It was ar-keep the other tenants satisfied." ranged six months in advance with the Lloyd Tate in speaking against commu- nigger to get \$1,000. Let the law take mutation said "If the death penalty is its course."

George Sedberry of Wetumpka asked door to mob rule in Elmore County when that the sentence of the law be carried out. Another crime is committed. The board took the case under advise-

George Smith, son of the murdered ment. Quick action is necessary as judge, said his sister, Clyde Reese Batch- Leonard is sentenced to hang on Friday. elor's widow, had related to him an in- No decision was announced Monday. cident showing that Leonard was not The board is in possession of the tran- of low mentality. He said his sister had script of evidence in the trial and the nee asked her husband not to have file with all letters for and against Leonard around the house because she could not understand his stuttering. She asked that he be put off the place. "What! Put Leonard off the place?" answered Bachelor. "Why, he's the

man life, as low and undeveloped as that life is, almost as low as the gorilla in the forests of Africa but still a human life.

Clyde Reese Bachelor, according to the evidence, made Hays Leonard, an unlearned, almost if not quite an animal, kill my friend Judge Lamar Smith. Hays Leonard was only a weapon in the hands of this educated white man. He was almost as the gun which he held in his hand when he fired the fatal shot, a thing without brain, without humanity and without knowledge. For us, the social organization we call the state, to take the life of this gorilla-man, whose soul may be akin to that of a human, is almost if not quite murder. If we needed his skin, his bones, his form to advance the cause of science, or if we needed his flesh for human sustenance, we would say "kill him" but do we need either?

LEONARD SENT TO FLAT TOP MINE

Negro Whose Sentence Was Commuted Will Begin Digging Coal Today

Hays Leonard, whose sentence of death was commuted to life imprisonment Thursday by Gov. Bibb Graves, only a few hours before the negro was to have begun the march to the electric chair at Kilby prison, was on his way to Flat Top mines last night. He will begin digging coal today.

The negro, who had been convicted and condemned to death for the murder of Judge Lamar Smith, or Wetumpka but who was found by a jury to be a commission to be an imbecile and a mental defective from birth, was put to work in the prison shirt factory at Kilby, temporarily, yesterday morning. But began his journey to the mines late in the afternoon.

Under the law, the working of state convicts in coal mines must end on July 1. After that time, other work will be found for Leonard, who was formerly a plantation hand and who is strong and able-bodied.

GRAVES TO HEAR PLEAS FOR HAYS

Large Crowd Expected To Attend Hearing At Capitol Today

Hearing to determine whether executive clemency will be granted Hays Leonard, negro slayer of Judge Lamar Smith will be held before Gov. Graves today at 10 o'clock in the hall of representatives at the capitol building and is expected to die in the electric chair Friday.

A crowded gallery is expected to attend the hearing and a large delegation from Elmore County is expected to urge that the negro be put to death.

Scores of letters, a large majority urging mercy upon the ground that the negro was forced to commit the crime by his "master," *Clyde Reese Bachelor*, have been received by the governor. Bachelor, who was electrocuted for the deed, in a letter written just before his death, asked

that the negro's life be spared. Attys. Farnell and Melton, of Wetumpka, are expected to appear in the negro's behalf, while Attys. Holley and Tate, of Wetumpka, are expected to urge that the law be allowed to take its course.

THE HAY LEONARD DECISION

After the report of the sanity commission which examined Hays Leonard, there was no longer much cause for controversy between citizens who had disagreed as to the justice and wisdom of executing Leonard. This commission reported to Gov. Graves that Leonard was an "imbecile."

"Alabama," Gov. Graves promptly declares, "cannot execute an imbecile." He accordingly commutes the negro murderer's sentence to life imprisonment, notwithstanding that the negro had been the instrument of a white man in committing one of the most revolting crimes in the annals of Alabama. The white man behind this negro imbecile has already paid the supreme penalty.

Gov. Graves, who he it said to his credit, has usually kept a clear head in passing on appeals for clemency for persons convicted of capital crimes, weighed the Hays Leonard cause carefully and intelligently. Since petitioners for Leonard had laid so much stress on their theory that he was a weak-minded negro who was not strong enough to resist the demands of a forceful white man to whose master he had been accustomed to yield, Gov. Graves promptly summoned a commission of experts to study the mental condition of the prisoner. This commission was composed of Dr. William D. Parlow, Dr. R. A. Burns and Dr. S. E. Centerfelt. After careful examination of the prisoner they were convinced that he was an "imbecile" with the "mental age of a child of eight."

On the strength of this report, the Governor decided that it would be the part of wisdom and justice to spare the life of the negro and order him confined for the rest of his life. It is a reasonable decision and few men will find fault with the Governor on account of it.

Leonard's Fate Placed In Hand Of Pardon Board

Men Who Knew Negro Many Years Plead For Commutation

Mrs. Smith There Large Elmore Delegation Opposes Plea

The fate of Hays Leonard, convicted slayer of Judge Lamar Smith, of Wetumpka, rests with the pardon board and the governor, following a public hearing on Leonard's petition for commutation held in the hall of the House of Representatives Monday afternoon. The governor and the three members of the pardon board sat in at the hearing which lasted more than two hours.

Those who advocated commutation of the sentence based their plea on the assertion that Leonard is of low mentality and acted while under duress at the hands of Clyde Reese Bachelor, his white employer.

Opponents of commutation of sentence insisted that the law take its course, that Leonard is a negro above the average of farm hands in intelligence and that he killed Judge Smith because of cupidity.

Mrs. Smith, widow of Judge Smith, attended the hearing with her son, George Smith. Fred Farnell of Tallahassee and Cephus Melton of Wetumpka represented Leonard and conducted the questioning of those who appeared for the petitioner. Monroe Holly and Judge Lloyd Tate of Wetumpka appeared as counsel in opposition to commutation and led the questioning of those who opposed the petition for clemency.

Darius Martin, of near Equality, a section where the negro lived as a boy, asked the board to commute the sentence. He said he had known the negro since he was 10 years of age and considered his mental capacity as that of a boy of 12 years. "I always sympathized with him," Mr. Martin said, "and would have felt remorse if I hadn't interceded for him. He always did what white people told him to do."

Knew Him as a Boy
Judson Martin, of Wetumpka, said he knew Hays Leonard when he was a boy. He said he was humble and obedient and he never heard anything against him until the Smith killing. "He acted from fear rather than the hope of gain," said Mr. Martin. "He was a white man's asked that the sentence be carried out."

negro." H. E. Hurst, of Wetumpka, the negro is of low mentality. "He has a stammering tongue and is incapable of using intelligence." He was under the domination of the white man and did not have sense enough not to do what he was told to do.

Col. V. M. Elmore, of Montgomery, advocated commutation. He said he based his request on what he had read about the case in the newspapers and had not read the evidence. "My opinion is the darkey was acting under duress when the crime was committed. It appears to me the darkey is of low mentality, about that of a schoolboy of 12."

Attorney Farnell read into the record a letter from the editor of The Tallahassee Tribune to the effect that the great majority of the people around Tallahassee believed the negro's sentence ought to be commuted. He also presented petitions for clemency signed by a number of Elmore and Coosa citizens. He said three members of the jury which convicted Leonard wanted his sentence commuted while three others said they would be satisfied with any action taken by the board. He submitted a copy of the letter written by Clyde Reese Bachelor in which Bachelor admitted full responsibility for the crime. Mr. Farnell asked the board to either hear Leonard's story from his own lips or take the proper steps to ascertain his mental status by expert examination.

Hired Him to Do It
W. W. Jones of Wetumpka opposed commutation. "We don't deny Bachelor got him to commit the crime," he said. "Bachelor hired him to do it for \$1,000 which included besides the cash offered, cancellation of Leonard's debt for his automobile and cancellation of farm debts." Mr. Jones recited the evidence in the case and also said he and Mrs. Jones were in the Smith home playing bridge on more than one occasion when Leonard came to kill Judge Smith but their presence prevented him from doing so. He said the negro was of more than the average farm hand intelligence. He said it was not unwillingness which prevented Leonard and from killing Judge Smith on several occasions but unforeseen circumstances. He said Leonard always came to the Smith home between 8 and 9 o'clock.

Dr. O. S. Justice, of Central, in Elmore County, and a state senator, opposed commutation. He said Leonard has more than the average farm hand intelligence. When he was asked a question by Atty. Gen. McCall Dr. Justice made the statement that Bachelor had been one of the smartest white men in the county and Leonard was one of the smartest negroes.

J. B. Alvey, mayor of Wetumpka, said the people of Elmore County wanted the law to take its course. "We have protected the dignity and the majesty of the law in Elmore County. Maudlin sympathy has swept through the state. I hope our town and county will never have to pass through another such terrible ordeal as the Smith murder. I heard the negro testify and he is not of low mentality or unsound mind."

Horrible Crime
Seth P. Storrs, of near Wetumpka, said the sentence be carried out. It was the most horrible crime ever committed in our county. It was arranged six months in advance with the nigger to get \$1,000. Let the law take its course.

George Sedberry of Wetumpka asked that the sentence of the law be carried out. The board took the case under advisement. Quick action is necessary as Leonard is sentenced to hang on Friday. No decision was announced Monday. The board is in possession of the transcript of evidence in the trial and the file with all letters for and against clemency.

George Smith, son of the murdered man, said his sister, Clyde Reese Bachelor's widow, had related to him an incident showing that Leonard was not of low mentality. He said his sister had asked her husband not to have Leonard around the house because she could not understand his stuttering. She asked that he be put off the place. "What! Put Leonard off the place?" answered Bachelor. "Why, he's the

PROHIBITION AND LAWLESSNESS

The Literary Digest concludes that the "United States is redder than Russia." The reason: Forty-three American cities, ranging in population from 36,000 to 3,000,000, have a redder homicide record than the two greatest cities in Soviet Russia, Moscow and Leningrad.

The Digest's authority is Dr. Frederick L. Hoffman, the statistician, and writer for The Spectator, a New York insurance journal.

Dr. Hoffman quotes "only a few" of the cities showing crime or homicide increases. The cities of the Southern States "show a much larger percentage of homicide deaths than the cities of the Northern States." To quote Dr. Hoffman's figures, which are in no way complimentary to the South, some of whose leaders just now are professing to be fearful lest the civilization of wicked old New York shall be imposed upon us and in the end "corrupt our Southern ideals:"

Memphis, Tenn., had the largest criminal increase in 1927. In 1926 Memphis had 42.4 per cent of homicides per 100,000; in 1927 Memphis showed 69.3, an increase of 26.9 per cent. Other cities ranged as follows: Fort Worth, Texas, gained 10.8 in 1927 over 1926; Macon, Georgia, gained 11.4; Roanoke, Virginia, gained 15.6—this city had 14.5 homicides in 1926, against 30.1 in 1927. Many cities show a decrease: Dallas, Texas, just a few miles east of Fort Worth, shows a decrease of 17.3; Augusta, Georgia, shows a decrease of 20 per cent in 1927 over 1926. "Doubtless police and detective vigilance and police court administration had much to do with homicide decrease."

Continuing, Dr. Hoffman says:

Regardless of the Baumes laws, increased police activity, national and local crime commissions and an increase in the number of death sentences, the homicide record of American cities remains the outstanding indictment of our American civilization.

In 1926 the homicide death rate for England and Wales was seven per million, which compares with a rate of 104 per million for American cities. The true cause of this crime situation is found in the changing character of the American people, for every element of the nation is represented in the long list of murders, from youth to old age, men and women, black and white, one trait common to most of them is the want of a character qualified to deal with the stern realities of modern life.

Taking note of the unpleasant sugges-

tion in the propaganda of the prohibitionists that there is something "immoral" in the efforts of newspapers and others to persuade the country that modification of our extreme prohibition laws is desirable, The Atlanta Constitution prints a smashing editorial discussion of such bosh. The editorial has attracted wide attention for its vigor and force. It is pertinent to quote excerpts from it here to round out the picture of the United States as a law-abiding country.

Says The Constitution:

Statistics show that there is more drunkenness today than under our old local option bone-dry law.

It is notorious that bootleg concoctions that are dissipating the nation with murders and high crimes of every degree, and filling the cemeteries and the asylums—flows at a high tide in every state in the Union, in every city, town, hamlet, community.

It has been a rising tide since 1920 and one of the sad and alarming features is the hold it has fastened upon the youth of the nation.

Only within a week the United States Census Bureau issued statistics which show the enormous increase in divorces and give the causes. "Drunkenness" as a major cause has steadily increased since 1922, as has also "cruelty," most of the latter—which today heads the list of divorce charges—being produced by the intoxicating concoctions that make men and women kill, assault, fight, and that destroy the old-time sacredness of the hearthstone.

In view of this situation, which is not overstated, and which can be verified by any student of statistical facts, where is the immoral deadline? Is it in the lax enforcement, or in the sumptuary provisions of an unenforceable law?

If absolute prohibition of all intoxicating beverages, however mild, has been accompanied by an increase in the homicide rate and an increase in drunkenness and all other ills that accompany drunkenness—if there are more murders per capita in our cities than in the two chief cities of bolshevist Russia—has the time not come for sober-minded men and women to view the prohibition problem realistically? Has the time not come when we should reconsider the whole problem of temperance and temperance means?

Prohibitionists, reading the facts quoted from Dr. Hoffman and The Atlanta Constitution, and other responsible persons and publications, are fond of retorting: "That's all true. But how much worse these same conditions would be if we had open saloons at every corner and at every crossroads place in the land!"

But this retort is evasive and meaningless. Certainly the old saloon system would not be feasible or desirable as a substitute for the present lawless, fraudulent and hypocritical system. But it is

sophistry to hold that the present system of unregulated liquor traffic is a suitable or desirable substitute for a regulated traffic operating under laws that will command the respect and support of the people. Today but relatively small percentage of the American people feel morally bound to observe the prohibition law. If they didn't they wouldn't violate it at will.

We Americans are living and struggling for decency and security under a sumptuary system created and imposed upon the whole people by those of our fellow citizens whose emotional natures are overdeveloped and whose common sense seems almost to forsake them whenever they are asked to express themselves on the question of temperance.

If we except only the effort of our people to solve the slavery question without resort to war, it can be said that the attempt to enforce national prohibition marks the greatest single failure of popular government yet made in the United States.

Alabama's Prison Population Larger Than Ever In History Of State

Alabama's prison population is larger at the present time than it has ever been in the history of the state. There are now 4,413 convicts doing time at various state prisons and prison camps, according to information made public by the State Convict Department yesterday.

This total compared with 2,785 prisoners in state penal institutions at the beginning of the present administration, shows an increase since that time of 1,615. The previous record high mark, of 3,150 was reached during the administration of W. W. Brandon, former governor.

There has been a pronounced increase during the past two years, it is stated, in the number of persons committed to prison for violation of the prohibition law and for the theft of automobiles, the latter class of prisoners being nearly all young men.

While there has been a notable increase in commitments for conviction of the two felonies cited, prohibition violation and automobile theft, the primary cause of the boosting of the total prison population is said to be general increased efficiency of sheriffs and a tightening up by jury commissions and juries.

Sheriffs throughout the state are more active and are doing more efficient work than has been the case in years, it is said. At the conclusion recently of a term of criminal court in one Alabama county, it was learned yesterday, the sheriff committed 60 prisoners to the penitentiary.

It was also learned that whenever a complaint is made to Gov. Bibb Graves

from any county, of law enforcement conditions, he forwards this complaint immediately to the sheriff for his attention. Prompt action invariably follows, it is said.

Hays' Sentence Is Commuted To Life Term

"Alabama Cannot Execute An Imbecile," Governor Declares

Ready To Go
Father Had Made Request For Body

"Commuted to life imprisonment. Alabama cannot execute an imbecile."

This is the order written late yesterday afternoon by Gov. Bibb Graves in the case of Hays Leonard, Elmore County negro farm hand.

Leonard would have gone to his death in the electric chair at Kilby prison last night for the murder of Judge Lamar Smith, of Wetumpka, had not the governor, acting upon the report of a committee of experts appointed by him to investigate the negro's mental condition, issued the order for commutation.

The commission which conducted the mental examination of Leonard reported to the chief executive Wednesday that Leonard has been a mental defective since birth; that he is an imbecile, that he has the mind of an 8-year-old child, although his actual age is about 30 years, and that he could be held responsible to the law only to the extent that an 8-year-old child could be held responsible.

During the forenoon yesterday, the State Board of Pardons, reporting to Governor Graves in the Leonard case, voted two to one against executive clemency. Attorney General Charlie C. McCall recommending commutation for the negro and Secretary of State John Brandon and State Auditor S. H. Blan recommending that the law take its course. At the capitol, opinion was about equally divided throughout the day as to whether the governor would or would not extend clemency in the case. There was no definite indication what his action would be until it was taken.

No one knew what his decision would be until it was penned by his own hand across the record in the case.

Was Ready To Go

The negro, with little understanding of the legal technicalities that were moving at the last moment to determine his fate, had prepared to meet his doom.

His father and mother appeared at the prison yesterday and made formal claim for the body. They spent the day

with him.

Leonard told prison attaches that he "was ready to go."

The prison barber had shaved his head for the metal electrode.

A few minutes after 5 o'clock Gov. Graves made the decision. The message was telephoned to Warden Shirley, who in turn told Leonard that his life had been spared.

For a second or two the negro groped for words.

"Th-th-thank you, thank you, boss, please sir," he stammered.

That was all. He was removed from the death cell and given a bunk in the tier with other members of his race. The negro wept freely as he walked from the death house.

The commutation of Leonard's sentence closed one of the most sensational murder cases in the recent history of Alabama.

Judge Lamar Smith was murdered as he lay reading in bed on the night of August 30, 1926. A shot from a shotgun, fired through an open window within a few feet of his head, blew half of the top of his head away.

For several days after the murder the identity of his assassins remained a mystery. Then a trail of circumstantial evidence led to the arrest of Clyde Reese Bachelor, his son-in-law and Leonard, who was a farm hand on Bachelor's plantation.

Implicates Bachelor

In the Montgomery County jail Leonard confessed that he had fired the shot that killed Judge Smith. He implicated Bachelor in the crime, charging that Bachelor had persuaded him to commit the crime and that he had stood with a loaded pistol at his side, forcing him to shoot Judge Smith.

Fear of mob violence led officers to take Bachelor to Mobile. On the way to Mobile Bachelor confessed. Later he signed a typewritten statement telling the entire story of the crime.

In it he stated that he killed Judge Smith in order that he might collect his life insurance. Bachelor, however, said that he was some thirty feet from him at the time the shot was fired.

The trials at which the two men were convicted of the murder attracted wide interest. It was bitterly fought by the defense.

Later on the appeal of the case to the Supreme Court, another legal battle to save Bachelor's life was waged.

After the Supreme Court had affirmed the death sentence, an attempt was made to escape electrocution on the theory that the law changing the mode of execution from hanging to electrocution did not carry a "saving" clause, and that Bachelor, sentenced to be hanged, could only be hanged—a form of execution which had become illegal. The Supreme Court, however, ruled adversely, and on July 15 Bachelor paid the supreme penalty in the electric chair at Kilby prison for his part in the crime.

Case Affirmed

Leonard's case in the meantime had been held in the Supreme Court pending the disposition of Bachelor's case. About two months ago a decision affirming the death verdict was handed down. Several days later Leonard was taken from the

Montgomery County jail, where he had been held and carried to Wetumpka, where he was resented to be electrocuted.

Almost immediately a wave of feeling favorable to the negro began to make itself felt throughout the state. Numerous letters were received by the governor asking that he commute the negro's sentence.

The majority of them acted upon the theory that the negro had been under the influence of his white employer and that he had to that extent been coerced into firing the fatal shot. Early in the present week a formal hearing was held at the capitol after which the negro was examined by a committee of alienists.

PRISONERS IN STATE FAR OUTNUMBER LAST YEAR'S TOTAL

Increase Of 732 Attributed To Rigid Law Enforcement And Other Causes

By J. R. McCOY

In the state prisons and prison camps of Alabama there are now a total of 3,512 convicts—732 more than at the same time last year, when the total stood at 2,780. While an increase in crime accounts for a portion of this increase in the number of prisoners committed to the penitentiary, there are other contributing factors that add their substantial and individual quota to the sum total. These other factors probably never occur to the average person, and are therefore of more than usual interest.

Hamp Draper, associate member of the State Board of Administration, who is in direct and personal charge of the state's prison affairs, explained during the course of an interview recently the various things besides "crime waves" that figure in fluctuation of the number of inmates of the state penitentiary from year to year.

One and perhaps the main reason for the increase shown this year as compared with the preceding twelve months is greater activity on the part of automobile thieves and violators of the prohibition laws, with a corresponding gain in the number of convictions for these offenses, Mr. Draper said.

INCREASE PARTLY DUE TO RIGID LAW ENFORCEMENT

Another reason assigned by Mr. Draper for the growth indicated in the prison population in the state is the more rigid enforcement of the law. The more intensive this degree of activity, of course, the more arrests and convictions result. His contention is borne out by records in his office which show 1,185 convictions for felonies in Alabama in 1926 and 1,361 in 1927.

Then the latitude given by the Governor of the state to his exercise of the pardoning power can very materially affect the prison population. In this

connection, it is interesting to quote figures compiled in Mr. Draper's office, in the number of paroles granted by former Governor W. W. Brandon during the last year of his administration, and the number granted by Governor Bibb Graves during the first year of the present administration. These figures show that during the respective periods stated, the former governor granted 729 permanent paroles, and Governor Graves granted 80. Arrest of parole violators must also be taken into account.

The steady increase now in progress in the prison population of the state is creating a problem that though serious is not causing prison officials any alarm, although this problem is made more acute by the fact that on or before July 1, this year, 925 state convicts, all negroes, now employed in coal mines or at lumber mills, will have to be taken away from these places, in accordance with statutory provision, and other work given them to do.

CONVICTS GIVEN

USEFUL EMPLOYMENT

Many state prisoners formerly employed at coal mining are now engaged in highway construction work. Others are members of night shifts now being worked in the state's cotton mills and factories. Recently two large plantations, one in the northern and the other in the southern portion of Alabama, have been purchased by the state and will be operated with convict labor. Eight road camps have furnished employment to hundreds of others.

"It is a problem that has to be faced and solved," Mr. Draper said, speaking of the increasing number of prisoners coming to the state penitentiary and those who will have to quit coal mining by July 1, "but we are not worrying about it. The increase will be taken care of, and the people of Alabama may rest assured that some kind of profitable employment will be found to keep every convict at work."

CHICKEN THEIEVERY

EPIDEMIC ENDED

TUSCALOOSA, ALA., March 14.—Special to The Advertiser.—An epidemic of chicken thievery in Tuscaloosa County is believed to have been ended with the capture of Sam Davis, a white man, in the woods near Kenne's Mill Road about nine miles from Tuscaloosa. He was caught by two deputy sheriffs when he attempted to place two sacks of chickens in his car.

A young boy discovered the chickens hidden in the woods and the sheriff's office was notified. Davis was caught when he came to take the chickens from the hiding place. He ran from the deputy sheriffs and two rounds of birdshot were necessary to bring him back.

WARREN STARTS PRISON SENTENCE

Convicted Of Killing Negro Woman; Jury Shortens Term After Compromise

W. L. Warren, of Troy, entered Kilby Prison yesterday, to start serving a 10-year sentence formally pronounced by Judge Leon McCord in Circuit Court yesterday morning. Warren had not been classified at the prison last night.

He had pleaded guilty in court Monday to second degree murder, being charged with the killing of Emma Barber, negro woman.

Warren heard the jury disregard a 40-year sentence agreement and fix his punishment at 10 years in Circuit Court Monday.

Warren had pleaded guilty to a second degree murder charge and with his attorneys, Hill, Hill, Whiting, Thomas & Rives, had agreed with the solicitor upon a 40-year sentence for the killing of the negro woman, when the jury amazed court room attendants by twice ignoring the agreement. Judge McCord discharged the panel from further service after a severe criticism of its action.

Ed Payne, negro, who had pleaded guilty to second degree murder in connection with the killing of his wife, Lily Payne, received formal sentence of 40 years in the penitentiary.

Found guilty of the same charge, Henry Vaughn, negro, was sentenced to 10 years. He was charged with the killing of Duffy Simms, another negro, during an argument.

Lizzie Hendrix, negro woman, who pleaded guilty to first degree manslaughter, drew a 10-year sentence, for the killing of Rosa Cooper, negro woman.

The killing occurred on the Ware's Ferry Road, near the Deal-Bachtel Lumber Company.

A sentence of five years was given to Sylvester Harris, negro, who pleaded guilty to first degree manslaughter charge for the killing of Manuel Mason, another negro.

Booker Jackson, who also entered a plea of guilty to first degree manslaughter, relative to the shooting of Cliff Brooks, was given a year and a day in the penitentiary.

Sullivans First White Men Convicted Of Murder Of Negro In Washington County

Store Keeper And Plantation Supervisor Killed In Row Over Hog Range; One Is Sentenced To 18 Years While Other Gets 10 Years; No Motive Established For Crime

Conviction in Washington County last week of John L. Sullivan and Robert Sullivan, for the killing of Oliver Lee, negro storekeeper and plantation supervisor, marked the first time in the history of the county, authorities are quoted as stating, that a white man has been convicted of the murder of a negro. The motive for the killing of Lee, it is said, was so a hog range could be extended over some 2,000 acres of ground that Lee had under supervision as an employee of the white owner of the property.

Assistant Atty. Gen. J. W. Brassell, who prosecuted the cases against the two men, in the Washington Circuit Court, and who returned to Montgomery yesterday, revealed, in answer to inquiries, these two especially interesting phases of the crime and its aftermath. John L. Sullivan was sentenced to 18 years, and Robert Sullivan to 10 years imprisonment.

Unusual Story.

The story of the crime and the events that followed are unusual. In compliance with a request that he do so, Assistant Atty. Gen. Brassell, briefly reviewed the history of the case.

On Feb. 20, 1927, a negro in Washington County, named Lee, who ran a little store and also superintendent for a white man, a farm of several thousand acres, was called to his door by one of a group of four white men, who asked him if he had any tobacco. The negro replied "only Brown Mule," and turned to go back in the store, when one of the four men shouted to him, "don't run; I've come to kill you." The negro started to turn, and as he did so, was shot in the back with a load of buckshot by a man who stood not more than four feet away at the time.

Five hours later, the negro succumbed to the gunshot wound. In a dying statement, however, he said that either Robert Sullivan or John L. Sullivan had shot him; that he recognized the voice of one of them. Local officers obtained bloodhounds from Meridian, Miss., following the tragedy, and placed them on the trail of the slayers. This trail, it is stated, led straight to the home of the Sullivans, where the dogs loudly bayed

IN WHAT WILL THIS SLAUGHTERING END?

It is most alarming when citizens of city, county or state are forced to the conclusion that officers of the law and gunmen make it unsafe for their protection on the public highways and thoroughfares, and especially in this true in a progressive city like Birmingham.

The Negro as a general proposition

Robert and John L. Sullivan. These two men were promptly arrested. Both were later indicted and placed on trial. Mistrials resulting in both cases, they were admitted to bond of \$5,000 each.

No Motive Established.

It was claimed by Washington County authorities that no motive could be established for the killing of the negro, and a call was made upon the attorney general's department to aid in clearing up this phase of the case. Atty. Gen. Charlie C. McCall personally worked on the case for a while. Later, however, he turned the matter over to Assistant Atty. Gen. Brassell, who went to Chatom and took charge of the Grand Jury, with the result that Oliver Sullivan, C. C. Sullivan and George Sullivan were indicted for first degree murder and Harry Sullivan was indicted for perjury.

All of those indicted were arrested and transferred to the county jail at Mobile, where later, all of them confessed to the murder of the negro, Lee. John L. Sullivan and Robert Sullivan, who were under bond, were rearrested. They too confessed, that the four brothers Sullivan and their nephews, Harry Sullivan and C. C. Sullivan, had met at the home of John L. Sullivan, and there laid the plan to kill the negro, Lee, in order to get him out of the way, so that a hog range might be extended over the land he was in charge of.

Again Placed On Trial.

After the confessions, in view of the fact that mistrials had resulted in the cases of John L. Sullivan and Robert Sullivan, when they were tried at a previous term of the court, these two defendants were again placed on trial, with the results already stated. The case of Oliver Sullivan, said to have been the principal in laying the plans for the murder, was continued to the next term of court, the venire for the then term, having been exhausted. The other remaining defendants will also be tried at that time.

After relating the circumstances as set out, Assistant Atty. Gen. Brassell said that invaluable assistance was rendered him by H. B. Reid, state law enforcement officer, in obtaining indictments and convictions.

has labored hard and meant much to Birmingham's happy growth; his loyalty and sacrifices form a good proportion along with other loyal citizens who made this progress possible. He is a unit in this population and but for him Birmingham would not be as far along the road of greatness as it now is. He is entitled to every protection of law. The officers will see to it that he obeys the law, but will they protect him as he moves along the streets as other citizens?

Black people in the last few days have become greatly alarmed, and they have sufficient grounds for this uneasiness. Policemen in the past few days have been very free with their firearms and some five or six Negroes have fell dead from the results of their activities, and among this number some of the best characters of the state. From what seems to be the facts these killings are at least questionable and should undergo the most careful investigation.

Human life is worth more to Birmingham than seems to be the estimates of some of our law enforcing officers. Yes, Negro life is worth something to Birmingham and, certainly, it has a very high estimate with the Negro people themselves. White people who know and care and black people who know and care should confer on these matters and halt this wave of disregard and disrespect for the life of human beings. We cannot sit idle while smoldering fires and smoking volcanoes are at our very doorsteps. Birmingham is too great a city, it has meant too much to the South and the nation to now be destroyed by practices that have become so common in recent weeks. We were deeply chagrined and hurt over the fact that one of these victims was a visitor within our gates and here on the occasion of the State Educational meeting.

We cannot afford a division of interest; it will mean no good to either group and those white and black people who believe in good citizenship must not be idle while the elements in either race are moving to destroy this feeling.

Regardless to what might be said to the contrary there is some question as to why all these Negroes are killed and, justifiably, by officers. It is unreasonable, and is not believed by the Negro people. Strange things are happening, yeggmen, most of whom are thought to be white men, are breaking in, robbing and performing capers of this kind almost every night or two, little arrests are made, no killings, not even any shooting. One would reason from this situation that there must be some special desire for the life of Negroes. Why should men be killed because they are out late at night? Are Negroes the only class expected to be in earlier than other people? If so we should have a law for to this effect and should at least be advised with respect to such law.

We have no disposition to overlook the crimes of any people, and most especially the members of our own

group. Our policy is to teach and preach obedience to law. Every Negro knows that, but we know that this wholesale killing of black people can not continue without serious and extensive reaction.

Negro Slayer Goes To Death

Isaiah Brooks Pays Penalty For Murder

Asking that two negro youths being held in connection with the same killing, be released, Isaiah Brooks, Crenshaw County negro, went to his death in the electric chair at Kilby Prison this morning shortly after midnight, for the murder of Teddy Wood, young Luverne white man.

Brooks walked to the chair without assistance and appeared calm on the eve of his death. As he sat in the chair, he once more confessed the crime and completely exonerated Lubie Anderson and Eugene Talley, negro youths, being held in the Crenshaw County Jail. Anderson and Talley were arrested on charges of the killing shortly after Brooks's apprehension.

The first shock was given at 12:16 o'clock and the second followed shortly afterward. Brooks was pronounced dead by physicians at 12:40 o'clock.

Mrs. T. D. Jones, 203 Martha street, sister of the slain man, was refused admission to the death chamber. Mrs. Jones applied for permission to witness the execution late yesterday afternoon but was refused because of a provision of the law which does not grant her the privilege. Deputy Warden Johnson said, Her husband and O. R. Wood, brother of the murdered youth, were both granted admission to the death chamber, however.

Brooks who never denied his guilt; who took no appeal from the judgment of the trial court and who never even requested that clemency be granted him claimed that Wood and two other white men accosted him in the road some time prior to the tragedy, and after he refused to go with them to a nearby cemetery one of the men held him while the other two whipped him. Wood, he declared was one of those who did the whipping.

The motive for the murder of Wood clearly appears to have been revenge. Following the young white man one night out of Luverne, Brooks attacked him at a lonely spot on the outskirts of the town, and slashing and stabbing Wood in the throat and about the body repeatedly, inflicted wounds from which he died.

The negro was given a hearing before the state board of pardons and Governor Bibb Graves. The pardon board declined to recommend clemency and Wednesday afternoon, the governor announced he would not interfere in the case.

ALABAMA FALLS IN LINE.

Alabama has ended forever its convict lease system. No state has abandoned this relic of barbarism and returned to it.

A fight has been waged in our sister state for more than a dozen years for the happy victory that was finally won, just as it was won in Georgia after a long fight, and later in Florida. Georgia was one of the first states in the south to set the good example.

In Georgia the convicts, under the old lease system, were worked in timber and naval stores camps principally, and were similarly employed in Florida.

Since the abrogation of the lease system they have been used principally in road construction, and in work on the state farms.

In Alabama they were leased very largely to coal mining operators.

The stopping of the system of selling convict labor to private interests was outstanding in Governor Graves' platform of principles, and the legislature that went into the state house with him sustained him in this pledge. Hence the culmination of this great reform movement.

The Alabama convicts are now being used largely in road construction and certainly they could not be employed more satisfactorily, nor more profitably for the welfare of all the people.

Crime - 1928
NEGRO AX MURDERER

ATTACKS ALA. WOMAN

Birmingham, Ala., September 4.—(P)—Mrs. Beulah Bradford, suburban resident, was admitted to a hospital here early this morning for treatment to the right side of her face which had been chopped and battered away by Birmingham's negro ax murderer in his first appearance since the fatal attack last spring on Mrs. Daisy Bannister.

Mrs. Bradford was the only one of three persons asleep in her bedroom to be attacked. After taking \$10 and a wrist watch belonging to Olivia, the woman's 15-year-old daughter who was sleeping in an adjoining bed, the negro began his attack on the woman, striking her several blows with the blade of the ax and apparently leaving her for dead.

Olivia and her 13-year-old brother, Vernon who were sleeping in the same bed were awakened as the marauder ran from the room.

The negro made his escape through a window by climbing over a bed occupied by B. A. Tate, Mrs. Bradford's brother. Tate, awakened by the negro, said he dodged several blows aimed at his head with the ax. The negro left his bloodstained weapon on the bed. A small amount of money was reported to have been taken from Tate's pockets.

At the hospital, little hope was held for the recovery of Mrs. Bradford. A considerable portion of the right side of her face was chopped away and surgeons said there was a possibility that her skull was fractured.

Robbery apparently was the motive in the Bradford attack, officers said. No money was taken in the Bannister case when a man, said by M. J. Priest to have been a negro entered her room and killed her with an ax. Priest, who was in the room, also was attacked and seriously wounded.

Expect Arrest In
Axe Murder Case

BIRMINGHAM, ALA., Sept. 4.—(P)—Information which officers say may lead to an early arrest was being circulated by police tonight in the axe attack this morning on Mrs. Beulah Bradford, suburban resident.

Meanwhile other officers were searching for further clues which might bring to an end the reign of terror caused by midnight sluggers who have been operating in the city for more than a year.

The attack on Mrs. Bradford this morning was the fifth of the series.

Two children of Mrs. Bradford's, Olivia, 13, and Vernon, 12, were not molested by the marauder.

Police did not indicate the nature of their investigation but said they were investigating statements which failed to agree on whether the marauder was a negro or a masked white man.

Robbery is believed by police to have been the motive for the attack.

Tate, brother of the injured woman, told police that \$10 in money was taken from his trousers. Hospital attendants said tonight that Mrs. Bradford was still in a serious condition and that little hope is held for her recovery.

Robert Lancaster Again Faces Jury
For Death Of Miner In 1921 Strike

Governor Bibb Graves Testifies As To Good Character Of Defendant While Serving In World War; Prosecution Scores Point When Briefs Of Testimony By Dead Taxi Driver Are Admitted

HAMILTON, ALA., Sept. 4.—(Special)—Events in the fourth rehearsal of the legal drama growing out of the lynching in 1921 of Willie Baird, union miner of Townley, began moving swiftly Tuesday afternoon, as the state opened its case in the fourth trial of Sergt. Robert Lancaster, former member of the Alabama National Guard, under indictment on a charge of murder in connection with the killing.

The curtain in the now famous soldier cases was drawn at 9 a.m. Tuesday when Judge C. P. Almon called for order in Marion County Circuit Court here and the organization of a jury for the Lancaster trial began. A jury was sworn in before noon and the presentation of evidence started with the opening of the afternoon session. Nine witnesses were examined before court recessed for the day.

The state was interrupted early in the afternoon when the court granted a petition of defense counsel for permission to put Gov. Bibb Graves on the stand as a character witness for the defense. The chief executive, under whom Lancaster served during the World War, was in the witness chair only a few minutes.

He testified that he had known Lancaster in Montgomery, San Antonio, Tuscaloosa and in France; that he was associated with him for more than three years and that throughout this period the defendant's character was good. Recitation of Lancaster's war record by the governor was halted when the court sustained an objection by prosecuting attorneys.

Gov. Graves came to Hamilton Monday night and departed for Montgomery immediately after testifying Tuesday afternoon.

The court proceedings were frequently interrupted Tuesday afternoon by clashes between opposing counsel. A heated argument arose when the state offered the clothing of Baird and several empty shells, supposedly from weapons with which the miner was slain, in evidence. Judge Almon ruled in favor of the state.

Testimony of Dead Man Admitted

The prosecution won what has been generally accepted as one of the strongest points in the trial, when briefs of the testimony of Leslie West, former Townley taxi driver, now dead, at previous trials of Lancaster, were admitted.

West testified that a party of about eight men chartered his cab in front of the Townley drug store late on the night

Alabama.

pleted.

Baird was shot to death after being kidnaped from the Walker County jail where he was being held on a charge of murder in connection with the death of a member of Lancaster's unit of the national guard.

The lynching occurred while the guard unit was stationed in Walker County to maintain order during a miner's strike

of the Baird lynching and told him to drive toward Jasper. Several miles out of the county seat, he testified, they were joined by several men in another car and the two machines entered the city limits of Jasper and stopped near the Walker County jail.

He testified that the men, one of whom he recognized as Lancaster, alighted and that after they had been absent a short time he saw them moving hurriedly from the jail building. They then got back into the cars and drove to a point about two miles out of the city, his testimony read.

There, they again alighted and, leaving him in the cab, disappeared in a clump of woods on the roadside. A few minutes later there were several rifle and pistol shots and again they came back to the cars. They then returned to Townley. West testified that he recognized Baird as the man got out of the cars on the roadside a short distance from the scene of the killing. He also testified that Lancaster was one of the men who went with Baird into the woods.

Defense Fights Admission

The defense vigorously fought the admission of West's testimony, contending that on frequent occasions soon after the lynching he made statements to the effect that he did not recognize Lancaster.

L. B. Baird, brother of the slain man was the first witness called by the state. He testified that the national guard, of which Lancaster was a member, was stationed at Townley and at other places in Walker County during the miners' strike in 1921.

Next came Manley Daniels, mail carrier between Jasper and Manchester who found Baird's bullet-riddled body. He testified to the condition and location of the body when he found it.

Dr. A. M. Waldrop, of Jasper, testified that there were 11 bullet wounds and 22 bullet openings in the body of Baird. Eleven of the openings, he said, were made by the exit of bullets.

A. B. Legg, recorder of Walker County, told of the findings at an inquest on the scene of the killing.

Circuit Solicitor Grady Wilson, who is directing the prosecution, announced Tuesday night that almost a score of witnesses remained to be called and that it probably would be Wednesday night or Thursday before the state rests its case.

Eight other former guardsmen are under indictment on murder charges growing out of the Baird lynching. Pvt. Joseph Keys is scheduled to go on trial as soon as the Lancaster case is completed.

Crime - 1928.

NEGROES GIVEN CHAIR FOR LAD'S DROWNING

Forrest City Court Sets June 15 for Execution.

FORREST CITY, Ark., April 2. (AP)—Grady Swain and Robert Bell, negroes, accused of causing the deaths by drowning of 11-year-old Julius McCollum, son of a Chatfield merchant, and Elbert Thomas, negro, were sentenced today to die in the electric chair at the state penitentiary June 15.

Found guilty several days ago of first degree murder charges without recommendation for mercy, death sentences for the negroes were pronounced in circuit court this afternoon by Special Judge R. J. Williams, who presided during their trial.

Repudiating a confession they were purported to have made, the negroes testified they had been forced to do so. Both denied any knowledge of the deaths of young McCollum and the negro, who was employed by the boy's father.

Robbery was advanced as the motive for the drowning of Julius McCollum, and officers expressed the belief Thomas met death in defending him. The boy's body was taken from a bayou near his home Dec. 29 last and several days later Thomas' body was found. Swain and Bell subsequently were arrested and taken to Little Rock for safe-keeping.

LITTLE ROCK ARKANSAS

JUL 8 1928

WHERE NEGROES SHOULD NOT SEEK TO ENCROACH.

The negro janitor of a bank at Morrilton, with the assistance of two men of his own race, pulled off a robbery at the institution. They managed to get away, temporarily, with more than \$8,000 in cash. But inside of 24 hours the arrest of the trio was followed by recovery of practically all the money and before another 24 hours had fallen into the abyss of Time the three had been sentenced, on pleas of guilty, to do their part for 26 years in the cultivation of the South's great staple on the well known Cummins farm.

This incident leads us to proffer a

few words of friendly counsel. In the period since the Civil war the negroes have made remarkable progress along many lines. Probably no other race in the world's history has ever achieved so great development in any comparable length of time.

There have been individuals among them, as among all other races, who have devoted themselves to criminal enterprise, at odd times or as a vocation. In certain fields of illicit activity they have shown no mean abilities. In the handling, for instance, of what Ople Read calls "cutlery and shootlery," some negro practitioners have proved themselves every whit as gifted as the best white manipulators of such instruments. And in the unlawful appropriation to their own use and possession of certain forms of movable property some negroes have achieved a distinction approaching local fame.

But there are higher and more hazardous forms of crime, such as robbing banks, trains and mails, which negroes should not attempt. They should forego ambition to enter fields that have so long been occupied by the Caucasians, who have amply demonstrated their capacity for operating with success in those fields. As is well known, New York and Chicago have become negro capitals and men of that race have prospered in many lines of endeavor, some of them indeed having become capitalists. But payroll hold-ups, Liberty bond and jewel robberies and other big money operations, as well as bootlegging, beer running and racketeering activities, are still in the hands of Nordics—where they are not in the hands of representatives of Mediterranean races.

MURDERER SENTENCED.

Camden Slayer Gets 21-Year Term For Killing Negro.

CAMDEN, Ark., Nov. 1.—E. W. Mahan, charged with the murder of Bill Hall, negro near Bearden, several weeks ago, was found guilty and sentenced to 21 years in the state penitentiary by a jury late Wednesday night. Mahan pleaded insanity.

Mahan is alleged to have been an escaped convict from the Texas penitentiary. It is said that he shot Hall when he tried to break into Hall's home near Bearden. The negro died in a Hot Springs hospital several days after the shooting.

To date the petit jury has not acquitted a person tried in Ouachita

circuit court, as in every case the jury has returned a guilty sentence. This is believed to be a record for Ouachita County.

ARKANSAS COURT REVERSES LOWER COURT DECISION

Two Negro Boys Saved By Highest Tribunal From Unjust Conviction

Attorney Scipio A. Jones of Little Rock, Ark., has informed the N. A. A. C. P. officials in New York City that the Arkansas Supreme Court has reversed the convictions of Robert Bell and Grady Swain, two Negro boys, 14 and 18 years, respectively, who were under death sentences for the alleged murder of a white boy by drowning.

Two white lawyers, W. J. Lanier and G. B. Scott, convinced of the boys' innocence, and that they have been subjected to inhuman treatment by the sheriff and prison guards, bethat came interested in the case and appealed the convictions to the state's highest tribunal, with financial assistance being given by the N. A. A. C. P.

It is believed that with the reversal by the Supreme Court the boys will be allowed to go free.

Arkansas Court and Jail Officials Practice Mediaeval Cruelties Upon 2 Negro Boys, Convicted of Murder

Tortures Included Beating With Rawhide and Steel Straps, Threatenings With Electric Chair, Shutting Up In Stockade Cells

Forest City, Ark.—A story of mediaeval cruelty and torture is revealed in the tale of the conviction of two Negro boys, aged 14 and 18 years, respectively, for the alleged drowning of a white boy, aged 13.

Julius McCollum, the white boy who was drowned, was reported to have been seen with Grady Swain and Robert Bell, the two Negro boys, and both of these boys were arrested and subjected to treatment that included threats of electrocution, brutal whippings and confinement in dark cells in efforts by Sheriff J. M. Campbell, Warden J. M. Todhunter and a deputy sheriff to wring confessions from the boys. Another colored boy, Elbert Thomas, was also accused, but his drowned body was found ten days later.

Used 3-Foot Strap.

According to a letter from Attorney W. J. Lanier to the N. A. A. C. P. in New York City, in which the facts are set forth in plain, blunt style, the Swain boy was arrested by the sheriff and jailed in Forest City, given the third degree by the same officer, who displayed a heavy six-shooter at his side, and who used a 3-foot leather strap with a steel buckle in whipping the boy.

Swain was taken to the Monroe County jail and to the penitentiary at Little Rock, where he was kept in the stockade until brought to Forest Hill for trial at the March term of Circuit Court.

Bell was arrested by the deputy sheriff, a man of bad reputation, who had killed several men. On three different occasions, Bell was unmercifully and inhumanly beaten by Warden Todhunter in the penitentiary, using a rawhide strap 4 1-2 feet long, three inches wide, with

Denied Legal Rights.

When finally brought to trial in March, 1928, the boys were shown no legal consideration at all. A motion to disqualify the sheriff, because of his activities, from summoning a jury to try them, was overruled; motion to postpone because of absence of witnesses, lack of legal means of defense, and other well grounded reasons, were also overruled.

Mr. Lanier, in his letter to the N. A. A. C. P. declared that:

"I felt as much interest in these little colored boys as if they had been my own children," writes Mr. Lanier, "and we made as strong defense for them as though they were our own boys. I firmly, honestly and conscientiously believe they are as innocent of the offense charged against them as I am or you are."

N. A. A. C. P. Gives \$200.

Mr. Lanier further informs the N. A. A. C. P. a 12-year old brother of Grady was also accused, his clothes saturated with oil, and that the child broke away from his captors and hid in the woods after "confessing" that he drowned the McCollum boy. The father of Robert Bell threatened with dynamiting of his house, fled the country.

The N. A. A. C. P. has contributed \$200 to aid Attorney Lanier in his efforts to procure a stay of execution and reversal of verdict.

Crime - 1928

Lawyers Protest Brutality of Police

That the colored people of the city are not quietly submitting to the brutal attacks of the police is evidenced by the following letter that was sent to the prominent ministers of the city by the well known law firm of Houston and Houston:

Recently some of the members of the police force of the District of Columbia have indulged in a mad orgy of killing helpless colored prisoners. They have shot them down in cold blood and then attempted to justify their unlawful acts by claiming they shot in self-defense, when all indications are that the victims were unarmed. This lawlessness on the part of policemen has become so prevalent that many white citizens are making complaint of the outrages against the helpless members of our race and some of the officials of the police force are openly denouncing the killing of human beings by policemen.

The time has come for the Negro leaders to show their own indignation against these murderous attacks on our people by these Washington policemen. If we do not voice our indignation and resentment, we have no reason to expect others to take up the fight in behalf of our rights. The ministers of the city have the power through their pulpits to call a halt to these murders and if they will speak out their voices will be heard and heeded by the officials of the government.

Our thought is that the desired result may be accomplished if you will preach a strong sermon next Sunday against the wholesale killings of our people and have your church adopt resolutions protesting against these outrages, sending a copy of the resolutions thus adopted to the President of the United States and the Hon. J. G. Sargent, Attorney General of the United States. We hope you will do this because if we are to justify our leadership of the people, we must stand up like men.

The following ministers were addressed: Rev. W. D. Battle, Galbraith A. M. E. Zion; Rev. R. W. Brooks, Lincoln Memorial; Rev. Walter H. Brooks, Nineteenth Street Baptist; Rev. George O. Bullock, Fifth Baptist; Rev. William D. Jarvis, Ninth and S Street Baptist; Rev. William H. Jernagin, Third and I Street Baptist; Bishop E. D. W. Jones, Bishop A. M. E. Zion Connection; Rev. Wm. A. Taylor, Florida Avenue Baptist; Rev. A. T. Tillman, John Wesley A. M. E. Zion; Rev. J. Milton Waldron, Ninth and P Streets; Rev. Wm. L. Washington, Zion Baptist Church; Rev. E. B. Watson, Metropolitan A. M. E. Zion; Rev. C. C. Williams, Union Wesley A. M. E. Zion; Rev. James E. Willis, Vermont Avenue Baptist; Rev. D. E. Wiseman, Lutheran Church; Rev. William H. Thomas, Metropolitan A. M. E. Church.

D.C.

Florida Grand Jury Makes Formal Report of Horrible and Atrocious Cruelties Practiced By Policemen

Chief of Police at Miami With Several Of His Officers, Accused of Torturing and Mutilating Helpless Prisoners, Both White and Black, In Police Station

Miami, Fla.—The complete grand jury report, submitted to the Court last week, disclosed horrible and atrocious cruelty on part of police officers here toward prisoners, white and black. Chief H. Leslie Quigg and five of his subordinates were indicted, but Quigg and three others have been tried and acquitted on a charge of killing a Negro prisoner more than two years ago.

The grand jury report showed that the police have erected in the station a chair equipped for being electrically charged, and this chair has been used in torturing prisoners under investigation. The victims were placed in the chair and the police would suddenly turn on the current. Any effort to leave the chair would result in the prisoner being knocked back by blows from the police officers. Prisoners so tortured and treated have had to receive treatment from local physicians.

14-Year Old Boy Killed.

Another case of arrant and ruthless barbarity marked the killing of Spelman Kemp, a 14-year old Negro boy, who, with other boys, was discovered in the act of pilfering eggs from a railroad car in the railroad yards. When hailed by the officer the boys dropped their booty and fled. The officer deliberately fired, shooting this little boy through the back. Taken

to the hospital, the boy, a caddy, employed by the Miami Beach Golf Club, told the doctor that the officer had kicked him while he was laying wounded on the ground.

Another witness told of hearing the officer say to the boy: "What did you run for? Didn't you think I would get you?" adding, "I have a d— good mind to finish him now." This same officer is reported to have killed at least four persons since being on the force.

Another Negro was reported by the police to have hung himself in his cell, but the undertaker reported that there were no signs of strangulation. At the same time, it was stated that a Negro had been beaten severely by officers the night before, and it is believed this had some significant connection with the alleged self-hanging.

Police To Be Tried.

A Negro accused of stealing an automobile was compelled to place his naked feet on a table and was beaten on the soles of his feet with a heavy copper-bound ruler for one and one-half hours by the police. An epileptic, a white man, charged with being drunk, was dragged

through the jail suspended in the air by his heels, and unmercifully beaten by officers.

The grand jury investigation, which began in February, covered a period of three years. The chief of police was tried for first degree murder on the charge of having killed a Negro more than two years ago, conviction on a lesser degree charge being impossible because of the time elapsed since the crime was committed. Two other policemen are to be tried on murder charges, and another for second degree murder, the latter a recent killing.

Jacksonville, Fla., Times-Union

Saturday, April 28, 1928

City Lowers Its Homicide Rate in 1927

Jacksonville Drops to Third Place in Report Despite Population Growth.

Jacksonville, placed as the leading city in the United States for homicides in 1926, with a total of 75.9 per 100,000 population, has dropped to third place in 1927, among the twenty-six leading municipalities in slayings, according to figures compiled by Dr. Frederick L. Hoffman, statistician, and reprinted in the Literary Digest, in its April 21 issue, following its earlier publication in The Spectator, a New York insurance journal.

Dr. Hoffman's table gives Jacksonville credit for fifty-four homicides per 100,000 population in 1927, a decrease of 21.9 per cent. Memphis, Tenn., placed fifth in the 1926 table, has arisen to the doubtful honor of leading the nation in 1927, with a homicide rate of 69.3, with Birmingham, Ala., placed second, with 63 per 100,000 population. Tampa, placed second in 1926, with a rate of 67.6, dropped to fourth place in 1927, with a rate of but 39.9, a decrease of 27.7 per cent, as compared with 1926, the largest decrease registered in the table.

Local Conditions Play Part.

The cold figures printed in the Literary Digest, however, do not explain the situation thoroughly, and do not clearly outline the great improvement in conditions here last year, local officials point out. The non-resident death rate is not taken into consideration, they point out, and the large percentage of negro population inevitably raises the homicide rate of any Southern city over other cities of similar size throughout the country.

Official figures of the police and health on homicides for 1926 and 1927 show a drop practically coinciding with Dr. Hoffman's figures. In 1926 the city board of health figures showed 107 deaths from homicides, while the police figures gave but 83 homicides as occurring in the city limits and investigated by the de-

partment. In 1927 the city board of health record disclosed but 74 homicides and the police department books but 55.

Other Factors Mentioned.

Dr. Hoffman's 1926 table, when published, caused a wave of protest from Jacksonville as well as other Southern cities as to the unfavorable aspect in which they were placed. In his 1927 report, the statistician refers to the non-resident death angle of the report and also states, in connection with the fact that a great majority of the cities having a large homicide rate are located in the South:

"It is a reasonable inference that the majority of the deaths were those of colored persons."

March Record Clean.

Jacksonville's record for 1928, based on conclusions drawn from records during the first three months of the year, will be far better than in 1927, local officials believe. The fact that not a single homicide was recorded during the month of March is pointed to with pride, as are the figures showing that January and February are below those of the same months last year, and to date in April the number of slayings has been exceptionally small.

The city is also growing. It is pointed out, and as the 1926 figures of Dr. Hoffman were based on the 1925 population of approximately 135,000, Jacksonville has attained several thousand more residents since then, and is now past the 160,000 mark, further adding prestige to the city in its fight to lower the percentage of slayings within its borders.

Asks For Probe Of Slayings By Miami Police

MIAMI, FLA., May 23. — While the United States is sending troops and warnings to other countries for the protection of her citizens and property Great Britain is sending positive communications to this country demanding protection of her subjects. Upon request of the British ambassador in Washington Secretary Kellogg has called upon the governor of Florida for a second investigation into the killing of two Bahaman colored men by police officers at Miami on separate occasions.

A Bahaman named Nemo, was killed in March 1927 and in April of this year another Bahaman named Simon Major was killed. The first investigation was made by Miami officials and transmitted to the British government through the state department. The report indicated the men were killed by the police officers either while resisting arrest or in self defense. The reports were made by Police Chief Quigg. In bringing the matter to the attention of the state department a second time the British gov-

ernment pointed out that Quigg was under indictment in Miami for killing other men in jail there and a second investigation of the cases was asked.

The British government feels that damages are due to the families of the two men believing they were killed without cause.

POLICE CHIEF IS DISMISSED IN MIAMI, FLA.

Connection With Slaying of Innocent Bell Boy Leads to Final Action of City Manager

MIAMI, Fla., June 1. — The suspended chief of Miami police was dismissed permanently by the city commission Thursday as a climax to a hectic struggle to evade all justice following charges connecting him with the slaying of an innocent Bell boy. City Mgr. W. A. Snow charged the officer with neglect of duty and detrimental affects on the police force.

Quiggs was suspended March 23, when he was indicted by a grand jury of first degree murder in connection with slaying of Kier. He and three of his subordinates were acquitted of this crime April 28.

A report of grand jury that investigated the condition of the police department under Quiggs charged that the police were in a clique with the underworld and that colored prisoners were subjected to all kind of brutal treatment.

NEGRO BEATERS ELUDE OFFICERS AT JACKSONVILLE

Jacksonville, Fla., September 7. — Police tonight were still without a clue to the identity of three white men who, Isiah Tribble, 33, a police kidnaper last night, took him into the country and beat him for 20 minutes with a heavy stray. The men is under the care of a physician. He said he escaped from his captors while they were debating whether or not to kill him outright for being interested in Al Smith for president. He was told, he said, that this case "should be a warning to all of your race."

Tribble was picked up on a street corner here and placed in an automobile, where he was blindfolded and made to bend over the dashboard of the machine, he said. He was carried to a lonely wood and taken from the machine. A "whipping boss," Tribble declared, beat him with a two-inch wide leather strap while two other men sat on him.

CIVILIZATION AT STAKE.

The acquittal of the chief of police of Miami and three other members of the force, after a trial for murder in the first degree, was not unexpected, even after the astounding revelations, made in a grand jury report covering police terrorism reaching back for three years. Despite this failure to convict these police officials on the charge of murdering a Negro bellboy, the Florida Sentinel-Jacksonville perceives ground for encouragement in the fact that a grand jury could be found to indict six police officers, and to declare that "the police had wielded a despotism of such a despicable nature as to destroy the freedom of our citizens." It referred to the time when white men in the South did not speak out against injustices heaped upon the Negro, especially if white men were involved. It hailed with satisfaction the arousing of the better element of whites to a sense of their duty in the premises, of which the report of the grand jury was a sign. The Sentinel said of this document:

The barbarous methods used in handling colored prisoners were roundly scored. The report condemned an officer who slew a colored boy that was being pursued as a petty thief. This officer is known to have slain four Negroes since he has been a member of the force, according to the report. One witness testified that a Negro prisoner was beaten on the bare soles of his feet with a copper bound ruler. Others testified that a method, which rivalled the horrors of the Spanish inquisition, was used to make Negro prisoners talk. They were made to sit on an electrically wired chair and compelled to talk because of acute pain, while an officer stood over them ready to knock them back should an attempt be made to rise.

This was the Miami under Chief Quigg, but if the Grand Jury has its way the Magic City of the South will have a new deal in its police force and the bulldozing, browbeating officer of other years will be supplanted with men who attempt to enforce the law with some respect for the good name of Miami, the rights of citizens and the reputation of the state.

This unconquerable disposition on the part of the race that furnishes the greater number of victims of police brutality and mob violence in the South, to rely on the better element of the whites bringing about a reform, must have some sort

of foundation to justify it. The fact that the Miami chief and his subordinates were allowed to go scot free on the charge of first degree murder evidently has not entirely dispelled this reliance on the recently developed conscience of the better element, although public sentiment, as manifested in the trial juries, has not yet reached that level. Police brutality and violence vented upon help- less prisoners is not confined to any one section of the country. The only difference is that in civilized sections such exposures as were made in Miami would have resulted in the conviction and punishment of the offending officers. The further news that Shelby county in Texas, scored another lynching last week, after an interval of five years, showed that white civilization in the South is still on an insecure basis. The Associated press report of this latest mob murder stated that the prisoner who was charged with killing a white man, was seized from the sheriff and constables who had recaptured him after his escape from jail, by a mob of between two hundred and three hundred men. With little ceremony he was hanged from the same limb of an oak tree in the court-house yard, where another Negro was lynched five years ago. The report closed with the stereotyped phrase: "No action was taken against members of the mob." In Georgia, instead of reporting the lynching of a Negro charged with crime, the latest account stated that the accused was "spirited away." The spirit that shielded the perpetrators of the Aiken massacre in South Carolina is still the greatest menace to white civilization in the South. It remains for the better element of the whites to save the section from degenerating into sheer barbarism. They should realize that modern civilization is at stake

WHITE CRIME

What can be happening to the white people of America? Where once the newspapers heralded stories of horrible crimes committed by "Negroes," they now blaze forth information of the most brutal acts—and the astonishing thing about them is that white people—the exemplary group in this country—are the ones guilty.

Has there been a crime in recent months quite as shocking as that for which Mrs. Ruth Brown Snyder and Judd Gray were put to death in New York last week? Can the most elastic mind recall a more horrible incident than the one in which a little girl was kidnapped and slain by a young white boy in California? Who can recall an incident that compares with the case in southern Illinois where a white boy is being tried for the murder of his mother, or another in Illinois where a white youth placed dynamite in a stove in order to "get rid of" the girl he had wronged?

Going further back we can recall the affair in Michigan where a white farmer dynamited a school, which resulted in the deaths of more than 40 children. Even today the newspapers were filled with stories of a white church deacon in Flint, Mich., who kidnapped and murdered a little girl. Other incidents, just as brutal and just as degrading, come to mind. There is the white man, Merchant, of Kentucky, who is now in an asylum for attacking two little girls; New Jersey has the stigma of Beach and Lilliendahl, who are now serving 10-year sentences for murdering Mrs. Lilliendahl's husband. New Jersey also has to her discredit the Noel case, in which a young white man of wealthy family murdered a girl and a chauffeur.

We could go on and name cases that would stretch over considerable space in the column, but cover only a few years from the standpoint of time. And what's the answer? How must the superior peoples account for this state of affairs? Certainly it cannot be minimized by placing the blame on a group already overburdened with crosses of other people. In spite of the attempts of Mrs. Lilliendahl and Beach, and of others mentioned, to shift the blame to shoulders of black people, the authorities found sufficient evidence to convict them.

It is pretty hard to answer some questions that arise in connection with these criminal tendencies in white people—and in looking back over the list we cannot help but make the observation that we are glad we have not yet progressed to the state of civilization as is claimed by the white man. Perhaps, after all, too much civilization, as we know it, is dangerous!

Crime - 1928

W. JOSEPH MO NEWS PRESS
JANUARY 21, 1928

ONE OF CRIME'S DEVICES.

[From the Chicago Daily News.]

A brief police item relates that a pretended Negress, who was black when she disappeared with \$200 worth of clothing from a Ridgeland avenue home, was white when she was apprehended some hours later on Chicago avenue.

There is more than comedy in this incident. It is the sort of thing Dr. Robert R. Moton, principal of Tuskegee Institute, had in mind in a recent public statement. He said the fact "that the criminals of other races may blacken their faces or otherwise simulate the Negro presents a situation which seems to call for the most earnest thought on the part of public authorities and all the leaders of public opinion in the country." He mentioned the Lillendahl murder case in New Jersey as illustrative of "the case with which crime may be fastened upon the Negro, an obvious fact of American life."

Doctor Moton does not excuse criminals of his own race for their contribution to the situation, but he does decry hasty judgments, loose generalizations and want of discrimination, and he asks as a matter of elementary justice that pains be taken to get at the facts before accusations made against Negroes are taken at face value.

Surely this is a fair request.

FOR LAW AND ORDER

The formation of a league to have the law enforced and order maintained is a step forward. Already it is notice to the community that Negroes want just what every good citizen stands for. There remains much to be done before the stern hand of punishment will rebuke evil, and before remedial steps will correct conditions, but so far so good.

It is a long way between the wish and the realization. The work will grow tiresome to some, but finally the doing will weed out the weaklings and the men of iron will carry on to a successful finish. The big step is the community's realization that murder must be repressed. How is secondary. The hair-trigger morons who have been running

amuck, slaying right and left, only need attention to be overcome. The gallows and prison bars will do much to keep their anger down, and their "honor" safe from insult.

While we congratulate those who made up the very considerable group who met and organized the league, we are disturbed that the number was not a thousand. Murder is not a respecter of persons. It is a blood thirsty monster that may pick a victim in any home. Those who did nothing can blame themselves if they lose a loved one before conditions are made right.

JUSTICE SELDOM ERRS

Quite often one hears a man say he would not convict on circumstantial evidence. If all men held this view there would not be many convictions. Human judgment is not infallible but it is not often that justice errs. The fact that mistakes attract such wide attention and are not soon forgotten proves that justice seldom blunders. Take the recent case of the fellow Olsen out in Illinois who was convicted of murder, jumped his bond and became a fugitive. Two youths confessed to the murder and Olsen returned to his home a free man. THE GREENSBORO NEWS tells of the recent case of two North Carolina Negroes who were convicted of murder and sentenced to die in the electric chair. Another Negro on his deathbed confessed to the murder and the two Negroes were given their freedom. Both cases attracted nation-wide attention. Men still talk of a case tried in this section more than a hundred years ago in which justice blundered. A murder was committed and suspicion pointed to an honest, industrious, law-abiding Dutch farmer who lived in the neighborhood. Following the custom of his native country the Dutchman always left his wooden shoes on the outside of his door when he entered his house. The shoes fitted the tracks that led to and from the scene of the murder. The Dutchman was tried, convicted and hanged. A dying man confessed a few years later that he borrowed the Dutchman's shoes, wore them to the murdered man's house and replaced them at the Dutchman's door after committing the crime. Since that time thousands of crimes have been committed and thousands of men have been convicted, but so far as is known this is the only miscarriage of justice that blots the court records of this entire section—a record that pays eloquent tribute to the infallibility of the courts.

Pittsburgh Courier OUR MURDER RECORD 3/17/28

ANY person reading the Negro press closely week by week must be impressed by the large number of murders there recorded. If there be those who object to such recording they should remember that the press is the mirror of the public and it cannot reflect a better image than it sees. From every large urban center where there is a sizeable Negro population, come weekly reports of violent killings of Negroes by Negroes. For instance, Kansas City reports 45 such killings for 1927, nearly one every week, and 9 so far this year, while similar reports come from Detroit, Richmond, Houston, Memphis, Knoxville, Jacksonville, Chicago and other points.

Here is a situation that cannot be lightly placed on the shoulders of the white people. True, the general murder rate is higher in the United States than in any other allegedly civilized country in the world, but the rate for Negroes is higher than that for whites. It leads one to wonder whether the boasted influence of the numerous Negro churches is as great as claimed. Of course, some of the blame can be placed on the poor economic condition of the Negro that causes housing congestion, the assembling of gangs and the breeding of viciousness, but then, why is the murder rate so low in England and Scotland where economic conditions for the masses of people are worse than in any American city?

It is difficult sometimes to fight vicious propaganda from the other side when Negroes themselves are furnishing it with so much ammunition.

NEW YORK EVE. WORLD

ISSUE OF

WE LEAD IN MURDERS

In an interesting article in the Spectator, an insurance journal, Dr. Frederick L. Hoffman, consulting statistician of the Prudential Life Insurance Company, presents some startling figures and makes some pointed observations on the homicide record of the United States. We like to think and speak of ourselves as the most enlightened of nations, but we appear, from the record, to be a murderous lot compared with Italy, Russia or England. And the year 1927 witnessed an increase in the number of murders over the year preceding.

Dr. Hoffman is impressed by the fact that while law-enforcement organizations are more numerous and blatant than ever, the increase in murders does not appear to interest them at all. They are concentrating on the enforcement of the law against drinking beer. The law-enforcement agencies, he finds, are devoting more thought to that than to the more serious crimes, such as the taking of human life. "Neither the President nor the Governors in their annual addresses," he says, "have laid stress upon our lamentable position as regards homicides, which are not decreasing."

There is nothing remarkable in the figures showing more murders in Southern than in Northern cities. The very large Negro populations, with quick tempers, in these Southern cities is explanation enough. The statistician finds that "every element in the Nation" is represented in the list of murderers.

The reason? He dismisses the charge of inefficiency on the part of the police with the opinion that they are

HERALD

MAR 15 1928

as effective as any in the world. He thinks the ease with which utterly irresponsible and vicious people may get firearms explains in part. But the real cause he finds in "the changing character of the American people." This is worth considering. Law is not respected as it once was here. Law violations are not thought the disgrace they once were. While the Doctor does not say so, he evidently thinks this due to the existence of the law which millions violate constantly and without shame.

U. S. REDDER THAN RUSSIA

FORTY-THREE AMERICAN CITIES, ranging in population from 36,000 to 3,000,000, have a redder homicide record than the two greatest cities in Soviet Russia, Moscow and Leningrad. This is the startling information contained in a recent report by an insurance company statistician, Dr. Frederick L. Hoffman, in *The Spectator*, a New York insurance journal. One person in every ten thousand met a violent death in the 122 leading cities of the United States in 1927. While Dr. Hoffman reports that killings in Jacksonville dropped from 75.9 per 100,000 in 1926 to 54.0 last year, and in Tampa

death sentences, the homicide record of American cities remains the outstanding indictment of our American civilization. Summarizing the situation, the rate increased during 1927 in fifty-one cities out of 122, for which comparison with 1926 is possible. In 1926 the homicide death-rate for England and Wales was seven per million, which compares with a rate of 104 per million for American cities!

"We hear much of law enforcement, but the major portion of our immense police and judicial machinery is concerned with violations of the liquor law. Charges have been made that our police are unintelligent, and that our police administration lacks efficiency, but it is probably as good as that of any other country in the world. The true cause of our crime situation is to be found in the changing character of the American people, for every element of the nation is represented in the long list of murderers, from youth to old age, men and women, black and white, native and foreign, rich and poor. The one trait common to most of them is the want of a character qualified to deal with the stern realities of modern life. The question is properly raised whether fundamentally our system of education is not seriously at fault in overemphasizing mental development and purely material aims and purposes.

"Weakness of character is the chief characteristic of the types of murderers who, during recent years, have come essentially into the forefront. We are manufacturing countless criminals by the enforcement of sumptuary laws which should never have been placed on the statute book.

"The outstanding aspect of our murder situation is the ease with which firearms are obtainable throughout the country. The first essential step toward control of the murder situation is to make an end of the fiction that every one has a right to bear arms in civilized society. The sale of firearms should be absolutely prohibited, except under rigid police control."

Since the great majority of cities having a high percentage of homicides are in Southern States, Dr. Hoffman believes—

"It is a reasonable inference that the majority of the deaths were those of colored persons. Since the Government does not concern itself with the murder situation, the real facts are not available. It has millions for the enforcement of Prohibition, but not the small sum required for the collection of judicial statistics corresponding to those of Canada, which are admirable and promptly available after the close of the year.

"Chicago, which is always referred to as a crime center, returned a rate of 13.3, but conditions in Chicago are improving; during the preceding year the rate was 16.7. An improvement is also apparent for Detroit, where the rate has been reduced from 25.3 to 18.7. Newton, Massachusetts, with a population of 56,000, had no deaths from homicide, while Charlotte, North Carolina, with almost identically the same population, had thirty-one! Of the male homicides in Birmingham, 19.1 per cent. were non-residents, and of the females, 15.0 per cent. This is a question always raised in connection with the homicide rate of Memphis, which is claimed to be unduly increased by non-resident deaths.

"There is much to be said in favor of this contention, but no facilities exist for ascertaining the facts for all cities."

The conclusion reached by the *Chicago Daily News* after reading the Hoffman report is that "there is urgent need of a comprehensive survey of the homicide situation." Perhaps, suggests the *Syracuse Post-Standard*, such a survey would supply the answer to the question: Why is the record of Memphis and Birmingham worse than the record of Northern cities of about equal population? One thing the statistics do not show, points out the *New York World*, is "that in factory towns a heavy percentage of alien population causes many homicides," as has been charged. To the *New York Evening World*, "there is nothing remarkable in the figures showing more murders in Southern than in Northern cities. The very large negro population, with quick

tempers, in these Southern cities is explanation enough."

In the two Southern cities which head the Hoffman list—Memphis and Birmingham—we find conflicting editorial attitudes. "What shall we do about this terrible situation?" asks the *Birmingham Age-Herald*. And it replies: "Birmingham needs a crime commission very badly, and there could be no better time to initiate such a movement than right now." The *Memphis Press-Scimitar*, however, pleads "not guilty" to the Hoffman charge, and goes on to explain the situation:

"Take your map and draw a circle 150 miles in diameter about Memphis. Your circle will include a thickly populated territory—will encompass half a million people. But it will not include a single hospital, except those located in the city itself. You can extend your circle to a diameter of nearly four hundred miles without including a large city.

"In this dominance is found the answer to Dr. Hoffman, the statistical sharp. Dr. Hoffman admits his figures are based on the number of persons who die in Memphis, and not upon the number who receive their wounds in this city. It makes a difference. The homicide rate for Memphis, based on the number who die of wounds received in the city, is 29.0 per 100,000 of population—one of the lowest rates in the nation. The other forty of Hoffman's figures is accounted for by the persons who were wounded from 15 to 150 miles away, and who were brought to Memphis hospitals in a desperate effort to save their lives.

"When the man wounded a hundred miles away dies in a Memphis hospital, Dr. Hoffman counts it as a Memphis homicide."

NEW YORK CITY SUN and GLOBE

Murder in Southern Cities.

Year after year homicide reports for many Southern cities remain notably high. According to recent figures published in *Spectator*, an insurance journal, Memphis, Tennessee, has the highest homicide rate in the country—69.3 to the 100,000 of population. Birmingham, Alabama, has a rate of 63. Charlotte, North Carolina, has a rate of 55; Jacksonville, Florida, has a rate of 54; Atlanta has a rate of 43.4. These figures are especially significant when it is remembered that the average homicide rate for 122 cities scattered over the country is placed at 10.4.

From a Southern newspaper, the *Houston, Texas, Post-Dispatch*, comes strong and sensible comment upon this situation, which that journal characterizes as "a disgrace to the South." "It is the native stock that is doing the slaying in these Southern cities," says the *Post-Dispatch*. "The fact that many of the slayers are negroes does not excuse our record. White people, in proportion to their numbers, are just about as handy with the gun in these parts as are the negroes."

The *Post-Dispatch* does not seek to gloss over the obvious explana-

tion. This, it finds, is the failure of courts adequately to punish murderers. "It is a matter of common knowledge," the article continues, "that the average individual charged with murder in a Southern court has a much better chance to go free than if he were charged with stealing. It is a rare case when some excuse for a killing cannot be presented that impresses juries. If the defendant be a woman it is merely throwing away the time of the court and the money of the taxpayers to go through the form of holding a trial."

Not only is the discussion of this subject by the *Post-Dispatch* frank; it has a note of sincere regret. Apparently that newspaper does not see any prospect of immediate amelioration. Before there can be a change the Southern public must take a different attitude toward the killer; there must be reform in court procedure. The opinion is recorded that "the murder record will continue to be a disgrace to the

South as long as the law is full of loopholes and it is not considered bad form for any white man who has a few dollars, some friends and influence, to take human life."

Where public sentiment condones murder or any other crime it is difficult for the authorities to enforce the laws against such crimes. Public sentiment can invoke quick and terrible punishment whenever it

DEATH BY VIOLENCE IN 1926 AND 1927

In twenty-six American cities of between 36,000 and 3,000,000 population. From an article by Dr. Frederick L. Hoffman, in *The Spectator*, a New York insurance journal.

City	Homicides per 100,000		Increase	Decrease
	1926	1927		
Jacksonville, Fla.	75.9	54.0	...	21.9
Tampa, Fla.	67.6	39.9	...	27.7
Birmingham, Ala.	58.8	63.0	4.2	...
Augusta, Ga.	44.9	24.9	...	20.0
Memphis, Tenn.	42.4	69.3	26.9	...
New Orleans, La.	33.7	32.0	...	1.7
Savannah, Ga.	32.7	35.1	2.4	...
Kansas City, Mo.	32.3	26.3	...	5.7
Dallas, Tex.	32.0	14.7	...	17.3
Charleston, S. C.	29.7	20.0	...	9.7
Nashville, Tenn.	29.2	28.3	...	0.9
Mobile, Ala.	28.4	25.1	...	3.3
Louisville, Ky.	26.7	*
Houston, Tex.	25.8	23.0	...	2.8
Detroit, Mich.	25.3	18.7	...	6.6
Sacramento, Cal.	21.8	14.7	...	7.1
Little Rock, Ark.	21.1	23.2	2.1	...
Pueblo, Colo.	20.5	15.9	...	4.6
Kansas City, Kans.	18.8	14.5	...	4.3
St. Louis, Mo.	18.6	16.2	...	2.4
Cincinnati, O.	18.2	20.1	1.9	...
Winston-Salem, N. C.	18.1	13.0	...	5.1
Fort Worth, Tex.	17.5	18.3	10.8	...
Knoxville, Tenn.	17.2	23.5	6.3	...
Macon, Ga.	15.2	26.6	11.4	...
Roanoke, Va.	14.5	30.1	15.6	...

* Figures not given.

† Below 18.0 in 1926.

from 67.6 to 39.9, they increased in Memphis, Tennessee, from 42.4 to 69.3 and in Birmingham, Alabama, from 58.8 to 63.0. While Augusta, Georgia, reduced its homicides 20 per cent., and Dallas, Texas, reported 17.3 per cent. fewer killings, Macon, Georgia, and Roanoke, Virginia, according to the statistics of Dr. Hoffman, had, respectively, increases of 11.4 and 15.6 per cent. Figures from other cities are contained in the above table. According to the Hoffman report:

"Regardless of Baumes laws, increased police activity, national and local crime commissions, and an increase in the number of

it makes up
the country whenever
is stirred into so doing, but its mind to do so.
wrath is often likely to be as inextinguishable as its previous apathy. The
South will have a homicide rate as
low as that for any other section of

Crime - 1928.

HERALD
AUGUSTA, GA.

MAY 15 1928
COUNTY SHOULD PAY HIM FOR TIME
SPENT IN JAIL

A NEWS article in Monday afternoon's Herald told of Harrison Jackson, a negro, being detained in jail some three months after the Grand Jury had returned a no-bill in the case made against him.

Justice is something that should work two ways. We believe in offenders paying the full penalty of the law, especially those guilty of burglary, which was charged against Jackson. But on the other hand, when a case is presented to the Grand Jury and is here found to be of no merit, the least the authorities can do is to release the accused from custody as quickly as possible.

The Herald feels that the county should make some estimate of the value of Jackson's time during the period of his incarceration, based upon his normal and average earning power, and that he should be paid for each day spent in jail. That is the least the county can do if it wants to adjust a serious wrong.

JOURNAL
ATLANTA, GA.

JUL 1 1928
Increase Reported
In White Prisoners;
Negroes Decreasing

Since 1921 there has been a steady increase in the percentage of white prisoners committed to the county jails of Georgia while there has been a corresponding decrease of negro prisoners, according to T. B. Mims, field agent of the state department of public welfare, in addressing the forty-second convention of the County Officers' association of Georgia Friday in Cordele. His speech was given out Saturday from the offices of the welfare board in the capitol. "The state department of public welfare," he said, "has compiled figures from the various counties of the state showing the number of jail commitments and those figures show a very small increase in the total number of prisoners confined in these county institutions during 1927 as compared with 1921. There has been a change, however, in composition. In 1921 almost three-fourths of those committed to the county jails were negroes, whereas in 1927 a little more than half were colored. In almost every county in the state the number of negro prisoners has decreased and the number of white prisoners increased."

A resolution extending to the board of public welfare the courtesy of publishing in the Peace Officers' Journal

such information as would be of interest to the sheriffs of Georgia was adopted unanimously.

POLICEMAN CHARGED
WITH BEATING NEGRO

An alleged case of mistreatment of a negro at the hands of a member of the Atlanta police force will be investigated Monday morning when Officer M. D. Cartwright will appear in municipal court before Judge Luther Rosser on charges of assault and battery against John Bennett, negro, according to W. Dewey Smith, counsel for Bennett. Smith also told The Constitution Saturday that Solicitor-General John Boykin would ask for a grand jury investigation.

Smith stated that his client had appeared at police headquarters Friday night to see about arranging bond for an imprisoned sister. After failing to arrange bond he had started to leave, and Smith claims that Officer Cartwright, who had taken no part in the conversation between the station lieutenant and the negro, ordered Bennett to hurry to escape being locked up. Smith stated that Cartwright then seized the negro and beat him without cause after which Bennett was arrested.

According to Cartwright's version of the affair, Bennett first came to the station shortly before 10 o'clock and left after arguing with Acting Station Lieutenant Roberts over the amount of the bond. Some minutes later, he reported, the negro returned with a professional bondsman and resumed the argument over the bond. Lieutenant Roberts ordered Bennett to leave if he could not make the bond, Cartwright claimed. The negro delayed his departure and the lieutenant ordered Cartwright to put him out or arrest him, it is claimed. When he attempted to put him out the negro resisted, forcing Cartwright to use his blackjack, he says. Bennett was locked up and charged with being drunk and disorderly. He was released under \$100 bond. Cartwright's story is corroborated by several officers.

Crime Does Not Depend on Sex
or Nationality

The Birmingham Age-Herald, commenting on the sensational crime recently committed in Atlanta by two college boys, calls attention to the fact that when a similar crime, the Leopold-Loeb case, was committed by college boys in Chicago, much comment went the rounds to the effect that inciting causes behind such lamentable affairs were to be found only in crime-infested cities like Chicago where a "foreign" element predominated. The Age Herald continues in drawing a parallel between the Chicago crime and that just perpetrated in Atlanta:

Now, Atlanta is not a metropolitan cesspool of vice and infamy. And Harsh and Gallogly are Americans to the manor born.

It is not a sinister inheritance from abroad which drove them to their misdeeds. So that many of us are forced to revise opinions we have hitherto registered just as many of us will have to revise our views about the causes of crime, as this shocking business is unfolded in the course of the trials to be held.

Dispatches from Atlanta indicate that the defense of insanity will be made, thus glaringly marking the failure of our criminal law to provide for cases of this kind. It is not insanity which caused boys of 19 and 18 like these to seek the thrill of robbing stores under the circumstances which prevailed in this instance. It was, if anything, something deeper and more devastating than a disordered mind. It was, if anything, a combination of emotional and mental instability, depriving these lads of the self-control and the sense of values which keep most of us within the bounds of ordered living. And yet, if the codes of Georgia and Alabama provide any procedure for dealing with such a factor of crime, this paper is not aware of it.

We should say that the morals to be deduced from the foregoing intelligent and pertinent comments are, first, that snap-shot, superficial attempts to analyze crime motives, especially when such analyses lead us to single out certain racial strains in our citizenry or certain sociological conditions peculiar to great cities as targets for animadversion, are misleading and unjust. And second, that it would be much more practical and patriotic for all of us to use what influence we may have to bring about readjustments in legal procedures affecting such cases, than for us to wag our heads wisely, and ejaculate jeremiads about crime in general and youthful crime in particular.

As the Age-Herald suggests, the insanity plea has been made to cover so many cases which patently it should not cover, for lack of anything better fitted to these crimes of abnormality or maladjustment or whatever they may be called, that the public is becoming restive and confused and either justice will be altogether defeated or punishment will be meted out solely on the idea of vengeance—results which tend, both of them, in the direction of anarchy and barbarism.

WHO'S WHO IN JAIL

Atlanta, Oct. 22—The Delinquency Division of the Department of Welfare has gathered and compiled valuable jail statistics for the state of Georgia. These statistics show the trend of the number and the rate per thousand of prisoners in the Georgia jails for the years 1921-1927 inclusive, showing the trends, for the number and rate per thousand of the prisoners, the white and Negro statistics have been compiled separately.

It is significant to note that there has been an upward trend for the number and the rate per thousand of the white prisoners; and that there has

been a downward trend for the Negro prisoners.

White Prisoners

Year	No. of Prisoners	Rate per 1000 Population	
		1920	Census
1921	14,294	8.45	
1922	14,552	8.61	
1923	15,823	9.38	
1924	13,999	8.30	
1925	17,922	10.60	
1926	18,157	10.75	
1927	20,157	11.90	

The increase in number of white prisoners for the years is shown to be 5,863 and that there has been an increase of 2.45 per thousand.

Negro Prisoners

The table below shows the estimated number, and the rate per thousand of Negro prisoners received by the county jails of Georgia for the years 1921-1927 inclusive.

Year	No. of Prisoners	Rate per 1000 Population	
		1920	Census
1921	27,876	23.1	
1922	29,797	24.7	
1923	23,881	19.8	
1924	21,621	18.0	
1925	23,869	19.8	
1926	24,247	20.1	
1927	25,056	20.8	

In this case there is a decrease in number and rate per thousand of prisoners. The decrease in numbers being 2,826 and the decrease in rate being 2.3 per thousand.

Thus it is shown that there has been an increase of 2.45 in rate per thousand for white prisoners while for Negro prisoners there has been a decrease of 2.3 per thousand.

Crime-1928

Georgia

NEGRO WIFE SLAYER GOES TO DEATH CHAIR

Milledgeville, Ga., February 21.—(P)—Robert Coates, 40, negro, who killed his wife at Wrens, Jefferson county, November 17, 1926, expired this morning with his life at the state prison farm here today.

The negro entered the death chamber at 11:30 o'clock and after three shocks were administered to him, he was pronounced dead at 11:42 by prison officials. The negro had no statement to make before his death.

Coates' case had been carried to the highest court in the state and his appeal for a new trial was denied. Clemency was refused the negro by both the prison commission and Governor Hardman. Coates' home was in Alabama, and he was a graduate of Tuskegee institute and a world war veteran.

"A Disgrace to Georgia."

We notice in an exchange where a Georgia negro has been given a chain-gang sentence for stealing a pig, and yet Manley is still freely enjoying the funds wilfully stolen from worthy Georgia women and children who were made paupers thereby. And yet some people do not know any better than to ask "what's the matter with Georgia?" He should have been in the chain-gang long ago for the balance of his natural life.—Madison Madisonian.

The Manley case is a stench in the nostrils of decent people and a disgrace to the state that has for its motto, "Wisdom, Justice, Moderation". The negro who stole the pig is weak, poor, friendless and he got the limit of the law. MANLEY IS RICH AND POWERFUL — rich with money wrung from widows and orphans, the aged and infirm. With his stolen money he can keep his case in court indefinitely, it seems, while wearing purple and fine linen. Enquirer-Sun

And yet—and yet—we have people who profess to believe that we have one law for the poor and friendless and for the rich and powerful and mighty. There are grand juries who profess to believe they have done a great work if they indict an ignorant negro for stealing a chicken or having a pistol, who wink at the most flagrant violations of the law when the strong and rich are concerned. The people of Georgia are pretty well fed up on this kind of thing. They are going to be heard from one of these days.—Jackson, Ga., Progress-Argus.

When the newspapers of a state or section are willing to denounce the injustice that is done poor and uninfluential persons—usually Negroes—while the rich and influential are given preferred treatment to the point of pampering them, then there is some hope that fairness and decency will again become attributes of the law. The ENQUIRER-SUN has repeatedly given instances of the brutal injustice to Negroes,

and in our plea for law enforcement we have urged that the same treatment be accorded rich and poor and white and black.

Unfortunately there are in Georgia too many editors who cannot see that anything is wrong with their state, and they are ready to attack viciously and unjustly, a newspaper which insists that wrongs be brought to light and remedied. It is well that the Madisonian and the Progress-Argus should bare the evils of injustice to the Negro and others who lack influence. There are many more evils which should be exposed and cured, among them bigotry, religious intolerance and racial prejudice.

TENNESSEE TOWN READY TO HONOR NEGRO PHYSICIAN

Memphis, Tenn., February 21.—(P)—A negro country doctor will come to town tomorrow to be honored. He is a self-acclaimed hero and incidentally be presented with a \$100 watch.

When first he appeared at the office of Dr. J. E. Hart, near West Memphis, Ark., yesterday to have one treated for a broken leg, he called officers. He then confessed he had attempted to hold up a Memphis jewelry store but were frustrated when a clerk fired on them. The store proprietor's son was wounded in the return fire.

Manchester, Ga. Mercury

FEB 24 1928

'A Disgrace to Georgia'

We notice in an exchange where a Georgia negro has been given a chain-gang sentence for stealing a pig, and yet Manley is still freely enjoying the funds wilfully stolen from worthy Georgia women and children who were made paupers thereby. And yet some people do not know any better than to ask "what's the matter with Georgia?" He should have been in the chain-gang long ago for the balance of his natural life.—Madison Madisonian.

The Manley case is a stench in the nostrils of decent people and a disgrace to the state that has for its motto, "Wisdom, Justice, Moderation." The negro who stole the pig is weak, poor, friendless and he got the limit of the law. Manley is rich

and powerful—rich with money wrung from widows and orphans, the aged and infirm. With his stolen money he can keep his case in court indefinitely, it seems, while wearing purple and fine linen.

And yet—and yet—we have people who profess to believe that we have one law for the poor and friendless and for the rich and powerful and mighty. There are grand juries who profess to believe they have done a great work if they indict an ignorant negro for stealing a chicken or having a pistol, who wink at the most flagrant violations of the law when the strong and rich are concerned.

The people of Georgia are pretty well fed up on this kind of thing. They are going to be heard from one of these days.—Jackson, Ga., Progress-Argus.

When the newspapers of a state or section are willing to denounce the injustice that is done poor and uninfluential persons—usually negroes—while the rich and influential are given preferred treatment to the point of pampering them, then there is some hope that fairness and decency will again become attributes of the law. The Enquirer-Sun has repeatedly given instances of the brutal injustice to negroes, and in our plea for law enforcement we have urged that the same treatment be accorded rich and poor and white and black.

Unfortunately there are in Georgia too many editors who cannot see that anything is wrong with their state, and they are ready to attack viciously and unjustly, a newspaper which insists that wrongs be brought to light and remedied. It is well that the Madisonian and the Progress-Argus should bare the evils of injustice to the negro and others who lack influence. There are many more evils which should be exposed and cured, among them bigotry, religious intolerance and racial-prejudice.—Columbus Enquirer-Sun.

DAVENPORT, GA. NEWS

MAR 8 - 1928

LAW-ABIDING NEGROES

It has been frequently stated that the greater part of the criminal business of these courts in many communities of the Southern states was that in which negroes were defendants. It is doubtful whether this is true now in many cities of the South; it is doubtful, for example, if the majority of the violators of the liquor laws are of the colored race. Indeed, in many counties of the state the colored people have for some time been giving exemplary demonstration in lawfulness. This from the Adel News, Cook county, a county which has the average proportion of negroes in its population:

It is remarkable that not a colored person was put on trial in the recent Superior Court held in this county. Not one was in jail awaiting trial. This hasn't happened before since the county was created and has been commented upon most favorably by many who attended court. Several citizens have mentioned it to us and have said that they thought the colored people were entitled to some commendation from the paper. We are glad to give it to them and congratulate them that they are law-abiding and desire to keep out of trouble. In their laudable endeavor they will have the assistance of the best element of white people always.

The negroes of Cook are to be commended upon their record. It ought to be made known to the white people and the colored people of the other counties of the section. What has been done in Cook in this matter of becoming law-abiding generally can be the condition in other communities.

Urges the Baumes Law To Arrest Atlanta Crime

Editor Constitution: In the Saturday Evening Post of May 26, 1928, is an article by Lawrence Vieller, under the heading "Making the Criminal Walk the Plank."

It refers to the operation of the Baumes laws in New York state and especially its effect on the habitual criminal.

Mr. Vieller is secretary of the committee on criminal courts of the charity organization society of the city of New York and ought to, and doubtless does, know what he is talking about. He quotes statistics printed in one of the metropolitan dailies to show the effect of the Baumes laws upon crime prevention. They show that since those laws became effective a check of the major crimes per 100,000 population over a certain period in 10 of our large cities, New York, with 4.7 crimes, was lowest; Chi-

cago, next with 9.6; and Atlanta, tenth and last, with 52 major crimes per 100,000 people.

The Baumes law in New York thus seems to make effective their slogan, "Catch the crook—keep him caught—hand him a fitting sentence—see that he serves it."

The press of our state, as well as all of the others, can be of great service to the people in carrying on an editorial campaign for the enactment of similar laws by every state in the Union.

J. W. HUBBARD,
1646 South Gordon street, S. W.,
Atlanta, Ga., May 27, 1928.

The Case of Will Crawford

The fourth article in The Telegraph's series concerning the activities of the loan sharks in Macon, published on the front page, contains the story of Will Crawford, a Negro fireman for the Central of Georgia railroad. His case is no different from hundreds of others, white and black, who are in the clutches of the sharks. The Negro said he could lay his hands on and bring to The Telegraph within 24 hours, at least 50 more of his fellow workmen who were in as bad shape as he is.

In a time of stress, Crawford borrowed \$20 from a loan company five years ago. As he tells the story—and he is supported in parts of it, at least, by records at the Municipal court, he has paid in interest several thousand dollars (he has no idea how much) and he still owed close to \$1,000. So far as one is able to ascertain from his narration of the transactions, the only money that ever went into his pocket from all the transactions in which he has engaged, was \$20. He now owes 18 of these loan companies, besides a lawyer, who pretended to help him, but got him much more deeply into debt.

Crawford is exactly the type who is "easy pickings" for the loan sharks, because he is the crack fireman for the Central, with a salary of \$260 a month. So anxious were they that he should not get out of their hands, that they worked upon him every scheme known to the shake-down artists. They have got him tied. When he is in town, he sleeps at the home of his aunt, who also feeds him. When he is out of town, on his runs, the white engineers and railroad men give him enough to eat and a place to sleep. He makes \$260 a month, but he cannot support himself, much less his family, whom he has sent to his mother's home.

One of the schemes developed by the story that is particularly significant of loan shark methods is that of having a central agency. When the victim gets so deeply into debt that to garnish him would make him lose his job, the loan sharks get together and turn him over to the central agency. That agency takes over the account, stops the interest and charges a fee for prorating the victim's salary among his creditors. When he has been paid down to \$100, the central agency says it can no longer handle him. The purpose is obvious. If the victim were entirely paid out, he would not go back for another bleeding, so he is cast adrift. The minute that happens, the individual companies slap upon him interest for the entire time he has been paying out. In Crawford's case, when he owed 18 companies an average, say, of \$5.50 each, the

addition of interest for a year would bring his indebtedness up close to \$100 to each firm, so that when all the interest had been added, he would be back as deep in debt as he had been when he started paying out through the central agency.

The situation is so bad here that it cannot be conceived by those who have not gone into it, that such things could go on in a civilized community. It is inconceivable that people who call themselves Christians could engage in some of the infamy that has been perpetrated in connection with the loan shark business in Macon. It is inconceivable that people who do not pretend to Christianity, but merely regard themselves as ordinarily decent, could gain their consent to touch a penny of the money that comes by sweating blood from these victims.

HAS ATLANTA MOST CRIME?

It seems unbelievable that Atlanta should be pointed out as the most crime-infested city, of ten of the largest in the United States. But Secretary Vetter, of the committee on criminal courts of the charity organization society of New York, publishes statistics that are alarming, if correct.

As J. W. Hubbard writes, in a comment published elsewhere, "he ought to know what he is talking about."

The fact is, this is not the first time that statistics to the same general effect have been promulgated.

As shown, taking the commission of major crimes on a basis of population units of 100,000, the percentage in New York is given as 4.7, the lowest; Chicago, next lowest with the percentage given as 9.6—again almost unbelievable in view of the continuously raging gangster high crimes and wars among themselves in that city—and Atlanta as 52.0, which is the highest.

It has been said by law enforcement officials in Atlanta that the figures are incorrect. Be that as it may, it is well known that Atlanta is among the most criminal cities in the country, and the charge of lax enforcement is not altogether to blame for it.

The slowness of meting justice through technicalities in the Georgia laws is one of the causes.

Another is the fact that Atlanta, as the metropolis of the southeast, is the melting pot for the criminal classes from several states, and of-

fers unusual avenues for escape from apprehension.

However diligent may be police officials in the apprehension of criminals, who may commit crimes here, or hide here after the commission of crimes elsewhere, the fact remains that more criminals slip through the meshes in Atlanta than perhaps in any other city of relative population in America.

Only the other day three bandits who stole a pay roll in Rome, boldly tied two officials of the victimized institution to posts, in the full light of day, and shot their way through Calhoun, were definitely traced to Atlanta.

Detectives announced that they and their location were "known," and that they would soon be in "the clutches of the law." But where are they? Later admissions were to the effect that they had left the city.

There is too much of this sort of thing, and it is one of the causes that is holding up Atlanta in the unenviable limelight of being the most criminal city.

Another cause—and it is well to be frank about it—is the volume of freshly distilled bootleg liquor that is flooding the community; liquor full of fusel oil, distilled one day and sold the next; liquor that fires the brains, sears the conscience, incites crime, and of a quality that, as Sam Jones used to say, would "make a rabbit spit in the face of a bulldog." The other day a hard-working carpenter of good reputation, who had never been in the courts on any charge, filled up on poison "white mule," walked home and deliberately killed his wife, with whom he had lived happily. When sober he did not remember the horrible crime he had committed.

New York city has the Baumes law. It is apparently working well.

Chicago, as notorious as it is, has far less arrests for drunkenness than Atlanta, on a per capita basis. New York has fewer than Chicago, on the same basis.

It is humiliating to be designated by what is claimed to be reliable statistics as the most criminal city in America. It is a challenge to the city officials, to the police department, to the courts. And it is a challenge that should not go unanswered.

A GEORGIA AFFAIR

A Georgia negro has been sentenced to the chaingang "for stealing a pig" from a wealthy white man of whom it is said that he "stole" much of his money from "worthy Georgia women and children." The Madison Madisionian denounces the injustice in bitter terms, as does The Jackson Progress-Argus which declares the case to be a "stench and a disgrace."

The Columbus Enquirer-Sun, quoting the indignant expressions of these two papers, says:

"When the newspapers of a State or section are willing to denounce the injustice that is done poor and uninfluential persons—usually negroes—while the rich and influential are given preferred treatment to the point of pampering them, then there is some hope that fairness and decency will again become attributes of the law. . . . Unfortunately there are in Georgia too many editors who cannot see that anything is wrong with their State, and they are ready to attack, viciously and unjustly, a newspaper which insists that wrongs be brought to light and remedied."

This affair is in every way worthy the attention of Governor Hardman.

TRIBUNE

APR 1928

Cook's Negroes Behave

It is remarkable that not a colored person was put on trial in the recent superior court held in this county. Not a one was in jail awaiting trial. This hasn't happened before since the county was created and has been commented upon most favorably by many who attended court. Several citizens have mentioned it to us and have said that they thought the colored people were entitled to some commendation from the paper. We are glad to give it to them and congratulate them that they are law abiding and desire to keep out of trouble. In their laudable endeavor they will have the assistance of the best element of white people always.—Adel News.

Jefferson, Ga., Herald
Thursday, July 19, 1928

FEWER NEGROES IN THE GEORGIA JAILS

Atlanta.—The proportion of negroes among prisoners committed to jails in Georgia has undergone a marked decline in recent years, it was revealed in a recent announcement by the state department of public welfare, submitted recently at the state convention in Cordele of county officers.

The figures show a very small increase in the total number of prisoners confined in these county institutions during 1927 as compared with 1921.

There has been a change, however, in composition. In 1921 almost three-fourths of those committed to the county jails were negroes, whereas in 1927 only a little more than half were colored.

In almost every county of the state the number of negro prisoners has decreased and the number of white prisoners has increased.

FEWER NEGROES IN GEORGIA JAILS, RECENT REPORT SAYS

ATLANTA.—The proportion of negroes among prisoners committed to jails in Georgia has undergone a marked decline in recent years, it was revealed in a recent announcement by the state department of public welfare, submitted recently at the state convention of county officers in Cordele.

The figures show a very small increase in the total number of prisoners confined during 1927 as compared with 1921.

There has been a change, however, in composition. In 1921 almost three-fourths of those committed to the county jails were negroes, whereas in 1927 only a little more than half were colored.

In almost every county of the state the number of negro prisoners has decreased and the number of white prisoners has increased.

DEFIANT ROBBER SAYS HE EXPECTS TO GET 15 YEARS

A. D. Presley Stages Daring Hold-Up on East Atlanta Avenue; Shoots Two Trying To Escape.

NEGRO WHO OWNS MONEY WOUNDED

Robber Surrenders After Two Policemen Join in Chase and Overhaul Auto; Money Recovered.

Cope Thornton, veteran negro employee of the Georgia railroad, was held up, shot and robbed of \$3,005.66 at the company's roundhouse on East Atlanta avenue early Tuesday afternoon by A. D. Presley, 20, of Route 9, another employee of the railroad, who was captured and the stolen loot recovered after a chase in which the bandit wounded one of his pursuers.

According to stories told the police, Thornton, following his usual custom, had obtained the money from his bank in order to cash checks for workmen, charging a small sum for the accommodation.

He was waiting in the roundhouse for his customers when the youthful bandit, with his face blackened to serve as a disguise, appeared on the scene and demanded the cash. When the negro refused to turn over the money, Presley fired one shot which struck his victim in the left shoulder, snatched up the satchel containing the money, and jumped into a dilapidated roadster.

Hill Is Wounded.

J. L. Hill, 42, of 2015 Robson place, a railroad mechanic, was one of the first to join in the chase. Commanding a passing auto, driven by John

Straton, a negro, he soon came within range of Presley's car. In a gun battle that followed Hill was shot in the left arm but refused to abandon the pursuit.

Police Officers G. M. Haley and D. T. Barge, who had parked their car in front of a store on Wiley street, heard someone yell "catch that man" and they immediately joined in the chase. Within a few minutes the officers and the small posse following Hill's car, overhauled the bandit's machine in an alley running off Whiteford avenue near Fair street.

Realizing that he had no chance against the force arrayed against him, Presley surrendered without any attempt to use the gun with which he had wounded Thornton and Hill.

Within three hours after his capture, Presley had been arraigned before Recorder Murphy M. Holloway, and bound over to the Fulton county grand jury under bonds totaling \$30,000, charges against him being

highway robbery and two assaults with intent to kill.

Late Tuesday night in his cell at the Fulton county Tower Presley was still defiant, and apparently had no regrets over the robbery or the wounding of the two men.

The young bandit said that he had been planning the robbery attempt for more than two weeks and that he had been confident that it would be a success. If it had been successful he intended to go to Mexico with his stolen loot, he stated.

"Thornton had too much money for any negro to have," he said. "But I did not intend to shoot him and would not have done so had he not made a threatening gesture toward his hip pocket. I thought he had a gun and didn't intend to take any chances.

Describes Shooting.

"I shot Hill because he fired three times at me. It made me mad as the devil when he took a hand in my affairs and tried to capture or kill me, and I was so excited at the time that I didn't care whether I wounded or killed him. I am glad now, however, that he was only wounded and not killed.

"That's all there is to it, but I would like to warn other young men against 'running away from home. I have been a drifter since I was 14 years old and it was because of association with bad men that I decided upon so desperate a venture.

"I'll probably get 15 years for this job," he concluded, "but who cares."

Thornton was resting easily at Grady hospital late Tuesday night and Hill was removed to his home after his injury had been treated at Davis Fischer sanatorium. Both men will recover.

Columbus, Ga., Enquirer-Sun
Sunday, May 6, 1928

FOR PRESIDENT—

ALFRED E. SMITH, of New York.

FOR VICE-PRESIDENT—

WALTER F. GEORGE, of Georgia.

The Law No Respector of Persons.

The following news item is from the ENQUIRER-SUN of Thursday:

Sallie Hines, Negress, was arrested last night at her home 841 Sixth avenue, charged with violating the prohibition law. A half pint of whiskey was found. The raid was made by Detectives Deadwyler and Jambon and Officer W. C. Jones. (When Sallie Hines was arraigned in recorder's court she was bound over for superior court on a bond of \$250.)

In view of what happened to Sallie Hines, a Negro, charged with possessing a half pint of whiskey the following editorial from the Sylvester Ga., Local will strike many readers as being to the point:

Asa Candler, Jr., rich idle son of his distinguished father, seems to have gotten off light when customs officers found on his yacht at Miami beach an assortment of wet goods, grading all the way from fine champagne down to common moonshine. Last reports were that no arrests had been made nor the boat seized. The leniency extended Mr. Candler was probably due to his prominence, or rather the prominence of his family connection. We leave the reader to guess what would have happened if the boat and liquor had belonged to common folks. More than likely the boat would have been seized, and the owner would be in jail awaiting trial and a trip to the federal pen at Atlanta.

Maybe that is what's the matter with the enforcement of the prohibition law—and all other laws as for that matter. It becomes more apparent every day that we have laws for the rich and laws for the poor.

In Georgia we have laws for the rich and influential, laws for the whites, and laws for the Negroes. Rich and influential men charged with crime with a few exceptions manage in some way to escape punishment. White men committing murder are hardly ever executed. Only those without money and influence go to the chair. Negroes are executed promptly. White men violating the prohibition law with few exceptions retain their liberty by paying a fine. Negroes without money or influence go straight to the gall.

Thus is it proved without referring to the Sinclair farce that all men are equal before the law; and, it should be added, that obviously justice is color-blind.

NEGRO IS HELD FOR MAIL TRAIN THEFTS

Macon, Ga., December 9.—(P)—Willis N. Pitts, 51, negro postal clerk for 22 years, was arrested as he stepped from the Albany to Macon train early this morning, charged with stealing and ripping letters from the United States mail.

The arrest was made by Postoffice Inspectors S. C. Ellis and M. H. Ackerman, of Atlanta.

Decoy letters were placed in the mail at Albany, the inspectors said, and when Pitts arrived here the letters were missing and the officers claim that marked money placed in the decoy letters was found in Pitts' pocket. The negro was taken to jail in default of \$1,000 bail. He is said to have made a confession of the thefts.

For some time letters have been missed from the mails on this run, the inspectors stated, and they have been conducting a thorough investigation in Albany and in Macon.

Two Stories from Alabama

Two stories in Sunday's paper under the date line of small Alabama towns give an index to the status of civilization in our neighbor state.

One of the stories was from Flat Top. With the governor and a number of other state officials standing about 800 Negroes were marched out of the Flat Top mines and sent to the prison camps of the state. They were convicts, who, under the barbaric system that had been in effect in Alabama for 20 years, had been working in the mines. The state had leased them out to private interests and had been collecting a blood tax from their lessees.

With the best prison in the South and a model prison camp, Alabama gave her neighbors cause for speculation by continuing the horrible leasing system so long. It had produced scandal after scandal, multiplied brutality and heaped disgrace upon the state. That she was willing to abandon it and has abandoned it is an indication of the advance of civilizing influence in Alabama—an advance that goes so far as to justify, were it not for the other story, the unmitigated praise of the shaking off of mass brutality.

The other story was from Jasper, the home town of the distinguished Bankhead family. A mine superintendent became enraged because a 19-year-old girl went to a hotel at Carbon Hill, nearby, and registered as his daughter. Enlisting another bloodthirsty miner, he found the girl and, while his friend held his gun on her, beat her unmercifully with a lash. Those psychologists and psychiatrists who attempt to establish the source of our emotions and our mental processes and their peculiar didoes might do humanity a service by establishing the mental reactions of a husky man who can so far lose control of his bestiality as to flog a girl while another holds a gun on her. It happened so often in the South—even in Georgia—that certainly some basic condition is responsible for it. The Telegraph's own hunch is that, since bestiality decreases with education and civilizing influences, the states themselves, by failing to provide the education and the civilizing influences, are responsible for the whippings.

Alabama has freed her convicts, but she still holds in darkness as dense as the chambers of her coal mines many of her citizens. The criticism does not apply alone to Alabama. Georgia merits it quite as much.

Crime - 1928

INDIANAPOLIS
INDIANA

AUG 9 1928

SENT BACK TO JAIL

Negro Political Organizer Loses Parole.

Bertram Watson, Negro barber, one of the incorporators of the City Manager League, Inc., just before the May primary election, must return to the Indiana State Prison at Michigan City to resume a sentence of life imprisonment. Governor Jackson revoked his parole Wednesday.

Watson will be tried Tuesday on a charge of gambling lodged against him when police raided a poolroom he owns on Indiana Ave. He will be held in the county jail until after the trial. A short time ago he was acquitted on a gambling charge.

The City Manager League, Inc., was short lived, Claude H. Anderson, executive secretary of the Indianapolis City Manager League having been granted a temporary restraining order to prevent the incorporated organization from the use of the name which, Anderson charged, was adopted to confuse voters.

Watson had served ten years of a life sentence for murder when he was paroled May 15, 1925 by Governor Jackson.

COURIER

APR 20 1928

DELAYING JUSTICE

Newcastle has just witnessed an effort at delaying justice through delay in the courts. The case was that of a Muncie negro, convicted of transporting intoxicating liquor. His attorneys neglected to file a motion for a new trial within the thirty-day limit specified by law and are now trying to carry the case to the supreme court.

Indiana

Local officials are to be commended in their effort to halt this "stalling" game by taking the prisoner to the reformatory. He has been committed and the state will now let him worry on how to get out. This man was arrested last January and after some delay was finally brought to trial. We frequently hear complaints about the slowness of the courts, but in this case there was nothing the court could do to hasten the case to a conclusion. The defendant obtained a change of judge and through one pretext after another escaped trial until a month ago, when he was found guilty. Then the notice of an appeal was filed, but the at-

torneys apparently went to sleep on their rights and neglected to file a motion for a new trial. Seeking to stave off sentence is nothing new to this defendant, as he was convicted of manslaughter in Delaware county back in 1923 and the case is now pending in the supreme court.

BLACK MAID TURNS WHITE

**Nordic Plasters
Face With Black
Robs Employer**

**Lived At Hotel As White
Woman; Blacked Face
And Went to Work.**

Late Thursday night, Helen Hewitt, white, was arrested by police officers in a hotel on Cottage Grove and 71st Street. The girl thought that she would make a better getaway if she fooled the public into believing that she was a colored woman.

She blacked her face and hired herself out as a maid to Mrs. Joseph Baker, 6801 Ridgeway Avenue, and worked well for some time. According to her testimony to police officers and reports, she was laying her plan for the robbery. The whole time that she was in the employ of the woman she wore her face under a plaster of lampblack. Early Thursday afternoon she stole over \$200.000 worth of clothing from her employer.

Finds Letter

Her employer had found a letter that the girl lost several days before and she hired several private detectives to trail her to her hotel address. Upon making their report as to her activities after she left work the detectives reported that all they could tell the girl went to the hotel as a white woman, but came out of the side entrance as a colored woman.

Police Sent Active
Several South Side robberies laid to colored men have been found to have been committed by white men acting in the role of their colored bretheren, but, according to the theory of the police, every criminal, when doing or planning something unnatural to the human mind, leaves some detecting clue behind.

Crime Commission Head *Informer,* **Avers Negroes Commit *Houston, Texas* Many Chicago Crimes**

Feb. 18, 1928.

Chicago, Ill.—(ANP)—Bitter criticism has followed the declaration of Atty. Edward E. Gore, former head of the Chicago Crime Commission, last week, to the effect that Negroes whom he said represented 6 per cent of the population of Chicago, committed 40 per cent of all the crime. It is the varied population which resides here, according to Mr. Gore, that accounts for Chicago's unusual crime showing. The statement was made before 200 white business men at a meeting in the Hotel LaSalle, called by Silas H. Strawn, president American Bar Association, to discuss the condition of crime in the city.

Critics of Mr. Gore, though not armed with the statistics which he claimed to quote, are outspoken in their condemnation of his statement without qualifying explanations. Negro leaders contend that there are

many conditions which lead to the record of Negroes in the police stations. The political influence, which keeps a large percentage of white crime from being booked, does not operate in the case of Negroes, whose delinquencies, therefore, become part of the record. Again, the great influx of people of all types from states where colored people are notoriously underprivileged, gives Chicago and Illinois a seeming record for misdoing that ought to be charged up to Alabama, Mississippi, Georgia, and the other states from which these perpetrators come, claim these social workers and probation officials, who are studying the situation with the hope of refuting Mr. Gore's claim.

What Chicago Lawyers Think

Colored lawyers, practicing in the courts of Chicago, are disposed to extenuate in their comment upon the speech made by Edward E. Gore, the former president of Chicago Crime Commission, before a large group of Chicago business men, in respect to the Negro's relation to Chicago crime. Mr. Gore cited commission statistics to show that whereas the Negro constituted only 6 per cent of the city's population, he contributed 40 per cent of the crimes of all kinds.

Atty. Alonso E. Tansil, former assistant state's attorney, believes that whatever truth there is in Gore's statement is due to the fact that Negroes in greater numbers than whites are booked for felonious crimes based upon flimsy circumstances and information. When an inadequate showing of probable cause is shown, the judge usually takes jurisdiction, the state's attorney acquiesces to the waiving of a felony, and the Negro defendant is permitted to enter a plea of guilty to a misdemeanor, the finding for which is entered on the record. Improvement of this condition, Atty. Tansil believes, will only come when these Negro defendants have the proper counsel.

White Criminals Are Organized

Atty. C. C. Wimbish calls attention to the fact that statistics are compiled from the records of convictions; that crime is organized among whites and that whenever a member of the crime organization falls into the hands of the law, adequate funds for defense are available and efficient legal representation is often previously maintained to throw between the alleged criminal and conviction, every technicality of the law that money, pull and influence can procure. Furthermore, judicial discretion is often used, and the judges, with one exception, are white.

Assistant Corporation Counsel William H. Temple believes that the underlying cause for the high percentage of crime committed by Negroes is the poor housing conditions, economic depression, and unwholesome

environment. These conditions, he indicates, would and do bring about a wave of crime in any race or nationality. The question of one race being any more criminal than another is fallacious, but there is a question of any and all races reacting or having the same reaction to environment, education and financial stress.

ANOTHER REASON FOR CRIME

A Chicago daily paper in commenting upon the crime situation in connection with the murder of Big Tim Murphy last week said: "Society will conquer thugs or the thugs will conquer society with their regime of terror. The situation cannot be neglected in the belief that it will right itself in time. Time is not making the gangsters less ruthless and grasping, but more ruthless and grasping."

And even in the face of these obvious facts society seems to be doing nothing to curb criminal tendencies of its citizens. Indeed, it encourages them throughout the entire system. There is no penalty upon white criminality as far as society is concerned. Tim Murphy, with all his criminal record, with his questionable following, with his doubtful activities, could own and occupy a home in the finest residential section of Chicago. Dean O'Bannion, Druggan, Lake, Capone were privileged to live wherever they chose to purchase homes. They were welcomed at every hotel in the city, every community was opened to them. Yet they figured daily in the city's crime news.

There are other citizens of Chicago who are barred from all these places, not because their are questionable in character—not because they are criminals or indulge in activities which bring their city and community into disrepute, but because of their racial connections. These are treated as any far-seeing social group would treat its criminals. The criminals, on the other hand, are given free rein to come and go when and where they choose. Why should not Chicago have a large crime colony when its criminals are the pampered of society?

VICIOUS TENDENCIES

A report from a reform agency in Chicago reveals that the greater portion of vice in Chicago is concentrated in the south side areas, where the black people live. Why? Is it because of protection, politically, looser morals, or longer money? A visit to the Morals court will show that the "law lays on" the fallen black woman and the arrests are all out of proportion to the percentage of black and white. Then it does not appear that any appreciable amount of political protection avails. We know of no reasons why we should believe that the black race is either more immoral or unmoral than the white. What the black people have learned about vice has been taught them by the whites. Nobody can deny it. Black people have made their easy money for many years in servile capacities around the so-called sporting elements. They have seen the white world unclothed as it hearkened back to primitive and brutish passions. The white man has set a terrible example or the black man to follow, as morals go. There is no money in our districts, and business men declare that conditions, financially, are worse than they were in Nineteen Twenty-One. Then why is all of this vice out south? The answer is easy; it is imported.

The south side has been made the city's cesspool and syndicates have found it easier going out here than in other sections. The law lays on the black people out south who offend and winks at the whites. For some unexplainable reason a cloak of immunity has been draped around notorious vicious institutions operated by white people for white people in black districts. When statistics are gathered and submitted to the public in the form of reports this prevailing condition is not referred to and the inference is accepted that the southside is infested with terribly immoral people.

The vicious tendencies on the south side are tendencies of the white man's own creation and sustenance.

PROMINENT MEN MAY BE IMPLICATED

Alleged Anxiety To Keep Certain Names From The Public Causes Protest

Rumors that Clifford Wheeler, formerly city editor of the Chicago Bee, is a victim of a "racket" and is afraid to confess and name his accomplices in the sale of mortgaged automobiles because of dire threats and consequences, have been circulated on the south side since the preliminary hearing Friday morning before Judge Joseph McCarthy in Room 1106 City Hall.

Although it is common talk that a high official in the U. S. marshal's office, a loop broker and several court attaches backed the alleged ring, the investigations of Judge McCarthy have been marked by their failure to bring any Caucasians into the case as defendants.

Wheeler Recovers

Wheeler, who collapsed Tuesday, June 5, an hour before he was to go to trial and who was taken to the county hospital in a state of coma, had recovered sufficiently to permit his appearance at the hearing Friday morning. His slender, brown face bearing evidence of nervous strain, he took his place before the judge's bench in company with A. D. Dillard, druggist, at 3619 State Street, who appears to have been made an innocent victim of the scheme. H. C. Ferguson and Wendell Green appeared as the defense attorneys in the case.

Those who had signed complaints against the two young men were present, as were their lawyers. Those listed as purchasers of the heavily mortgaged cars are Mrs. Frank Gillespie, Reuben Spears, Dr. Homer V. Wilburn and Dr. W. W. Dillard. Judge Joseph McCarthy, to whom Wheeler defendants had sold a sedan

for \$1,150 which was recently taken from him by an automobile finance company and who consequently started the investigation leading up to the arrest more than a week ago, of Wheeler, sat in judgment on the two prisoners.

"Want Money Back"

"I suggest, your honor," Attorney Green told the court as the case was opened, "that you reduce the bonds of these two young men to nominal figures and continue the case for sixty days or so to give the men a chance to make restitution to their victims, because, after all, these people have told me they are more interested in getting their money back than in spoiling the futures of these two fellows by jailing them."

As proof of his belief that neither Wheeler nor Dillard would leave the city, he reminded the court that Dillard had come and given himself up to police custody when he learned that he was being sought. He also said that Wheeler, in a supposedly secret conversation with his wife, had announced his intention to "stick it out."

Judge Disagrees

Judge McCarthy, however, seemed in no mood to accept such a proposal. "This selling of cars has been going on for eight months," he said, "and would probably have gone on for many more had I not been a victim. I don't mind losing the money," he added "because I feel that I have done Chicago a real service in putting an end to these clever swindles."

Attorney Green then voiced the general opinion that there were several Caucasians connected with effort case. "If so," he said, "every effort should be made to bring them to court and not let any attempt at justice end merely with the arrest of the two colored lads."

"If there are any white men implicated, you may rest assured that they will be found and brought to justice, no matter who they are," the court said.

Names a Secret

It seemed to be the opening for which Attorney Green had waited. "In that case it should be easy," he announced. "I want to remind your honor that Mr. McGivney, in the presence of both of us, named certain white men whom he said were implicated and interested in the various deals and if your honor does not bring about the arrest of these men and have them brought to justice, this court will face the charge of discrimination in prosecuting the colored men and letting the white men go scot-free."

Turning to Owen C. McGivney, loop broker, who is also a complainant against the two men, Attorney Green asked for the names again of the Caucasians implicated.

"My lawyer told me not to talk," McGivney said.

Investigators Know Men

Rebuffed in his attempt to gain satisfaction from the broker, Attorney Green then told the court that one of the investigators had boasted to him that he could "lay his hands" on a high official in the U. S. marshal's office, a prominent loop financier and several court attendants, all of whom were the "brains" of the ring.

Before anything further could be brought out in the matter, Judge McCarthy suggested that the attorneys and prisoners retire to his private chambers in an attempt to get the names of these men. "There are a lot of curiosity-seekers in this courtroom," he said "and it might defeat the ends of justice if these men were named in public."

Information Given

If any light was thrown on the case by the implication of white men in the swindles, it was kept carefully covered up when, after considerable time, the conference in the judge's chambers came to an end. It was announced that the bonds of Wheeler and Dillard had been reduced from \$5,000 in each charge against them to \$2,000, but that was all the information given to the public. Rumors that Wheeler had confessed while in the meeting have been as yet unsubstantiated. Perhaps more will be learned when the case comes up again before Judge McCarthy on Friday morning.

The failure of Wheeler to name others aroused various rumors among south side residents. It is thought by some that Wheeler is an innocent victim of a diabolically clever swindle ring that succeeded in making him believe that the cars sold were in reality the government confiscated property that he represented them as being.

Others voice the opinion that Wheeler has been threatened with dire consequences should he implicate others and for that reason remains silent through fear.

Inasmuch as efforts to locate the money paid Wheeler for the cars have been futile, it is suggested that the cash had to be split so many ways that Wheeler did not receive a large percentage of the money.

NEWS
CHICAGO, ILL.
FEB 27 1928

NEGROES WAR ON CRIME INCREASE

Community Betterment Is Aim of Co-Operative League.

The Co-Operative Business, Professional and Labor league, a local Negroes' organization, is launching a campaign for community betterment.

"The fight is on," said its announcement today, "against the mischievous and unlawful devices that bring delinquency to youth and draw the last drops of economic blood from the poor."

Majority for Decency.

"The majority of our people stand for decency, industry and thrift. We do not concede that conditions of crime and vice are worse among us

than among other peoples in Chicago.

"Yet we know that conditions are far too bad, and believe that vice and crime are on the increase."

Oscar C. Brown, chairman of the board of promoters, who made the statement public, added that the campaign would be "constructive and educational as well as militant." He said the primary aim of the league, which is indorsed by Urban league executives, is to bring about "a closer relationship and better conditions among the Negro groups, stressing the necessity to 'pull as we climb.'"

2,700 Attend Meetings.

"The league's discussion meetings are attended regularly by more than 2,700 persons," said Brown. "The meeting place is the Pilgrim Baptist church, whose pastor, the Rev. J. C. Austin, is our executive secretary. We are nonsectarian and nonpartisan, guaranteeing free speech. Our interest is in the co-operation and progress of the Chicago Negroes."

CRIME AND CHICAGO NEGROES

WITH STARTLING FRANKNESS, boldness and gravity Edwin E. Gore, ex-president of the Chicago crime commission, declared in an address before the members of the Junior Association of Commerce on Monday that Negroes are responsible for Chicago's crime wave, a wave that increases in intensity and force, a wave that has given this city a bad reputation and held it up to scorn and ridicule the world over; a wave that has given the city unfavorable notoriety at home and abroad, and continues to do so.

While Mr. Gore's statement is interesting, startling and full of half truths, it is in the main misleading, flagrant, malicious and contains many distorted facts, if not un-supported figures. For a thorough analysis of his statements discloses many generalities, speculations and assumptions rather than carefully prepared data and accurate statistics obtained after all of the extenuating circumstances, having a direct or indirect bearing on the commission of crime or the volume of crime of a given number committed had been computed.

Granting that there is much crime among Chicago Negroes, it is more frequently in the form of misdemeanors and other petty crimes rather than major crimes, and 99 per cent of it is committed within those areas populated by Negroes. Be that as it may, it is very apparent that Mr. Gore, although disclaiming to be biased against colored people, sends out his weekly release (this is his second) in which he plays up and emphasizing Negro crime as a smoke screen to distract the public's attention from the bloody record of Chicago's white gangland wars, bootleggers, brigands, racketeers, murderers, and organized vice and crime that has and has had for years a strangle-hold on the law and law enforcing bodies of Chicago.

Yes, it is true that we have crime in our areas, for which we are sorry, but the better law abiding element among Negroes are just as powerless to control the situation as are the whites to control theirs. Mr. Gore should remember that during Mayor Dever's administration as mayor of Chicago, the United States attorney general of Chicago appeared before a congressional committee at Washington, D. C., and testified that the local Chicago government had broken down; that the city was at the mercy of thugs and gunmen (white) and that a state of anarchy existed here. On hearing of this statement, Mayor Dever took his chief of police and other city officials and hurried to Washington, where he and his aids contradicted the testimony of the United States attorney general, gave the lie to his contentions, branded as false his facts and set up a counter-claim that Chicago was comparatively free of vice and crime. But before the mayor and his committee had returned to Chicago twenty-four hours, one of the foulest murders in the history of Chicago was committed in broad daylight on North State street, there were numerous other murders and bombings in

gangland, one of the assistant state's attorneys being a victim, and since then conditions in white gangland have grown worse and worse.

Not thirty days ago, the "leading white citizens", including the crime commission, that group the white criminals fear (?), respect (?), and obey (?), met with the present State's Attorney Crowe to investigate and make a report on crime. The commission, with but ONE dissenting voice voted to O. K. the claim of the present administration that crime was neither rampant nor on the increase, and, broadcast to the WORLD that Chicago is a clean city. But about twenty-four hours after this report was released the home of Charles Fitzmorris, former chief of police, and Dr. Reid, a leading politician, were reported bombed. California, Florida, Louisiana, and other states have and are making drives against Chicago white criminals to keep them out of their boundaries.

Yet, with a record the half of which has not been told, and an annual murder rate greater than London's, Mr. Gore has the temerity to try to shift the burden of this black record of white men onto the shoulders of black people whose major crimes, even, are of insufficient importance to be recorded as news in the daily white press, and if published are of not enough consequence to occupy a conspicuous place.

When Chicago, the seat of several great universities and colleges, the great center of the Central West, a city that claims the culture, wealth and breeding of this area, cannot either demand or command the respect of its leaders, civil, civic or social as is exemplified by the control of the city by its criminal elements, it is hardly consistent for Mr. Gore to expect the intelligent and respectable Negroes to gain the respect of its rabble. Mr. Gore should also understand that whenever the leadership of one group is weak and leadership of the corresponding groups dependent for its sense of direction upon the dominant group will be correspondingly weak. When Chicago has a strong white leadership capable of restoring law and order and maintaining it in its own centers, then will the smaller groups likewise be capable to function in developing good citizens of its people. Mr. Gore should be careful not to gore black sheep while wild white bulls run riot over the city.

"BISHOP" GRACE GETS THREE YEAR TERM FOR THEFT

Followers Of 'Black Christ' Threaten Court With An Earthquake Visitation

Charlotte, N. C., May 29—"Bishop" C. M. Grace, vicar of his own church organization, was sentenced here today by a jury after six hours deliberation to serve from two to three years in the State prison.

Known as the "Black Christ," he has built up an individual church known as the church of the Apostolic rock members of this church, having become dissatisfied with his methods, caused the arrest of the "Bishop" on the ground that he was misusing the church funds.

"Bishop" Grace has founded churches in Washington, Newport News, and Savannah. His career has been unique he having obtained large followings because of his alleged power of healing.

Demonstration Thwart

An unusual incident during the trial came when his faithful followers staged a demonstration during which it was proclaimed that unless the bishop was acquitted the entire courthouse would be rent by an earthquake.

Judge J. M. Oglesby cautioned the members and court officials quelled the demonstration.

Members of the church testified during the trial that they had placed various sums of money into the hands of the "bishop" for safe keeping and that he had refused to return the same.

NEGRO INDICTED IN \$1.19 SLAYING

Negro Who Confessed to Killing Teacher Arraign- ed 10 Minutes After In- dictment.

Chicago, August 14.—(P)—David Shanks, illiterate negro bootblack, who

police said confessed slaying Miss Jennie M. Constance, teacher, today was arraigned, bound over to the grand jury and indicted within the space of a few hours.

Prosecutors said every effort would be made to set an early date for his trial and that they would demand his electrocution.

Shanks was arrested last night by Evanston police after they had traced a wrist watch which belonged to the victim. The bootblack readily confessed the slaying, police said.

The prisoner was kept under heavy guard last night. Today, before a crowd of 300 persons, he calmly and dispassionately reenacted the killing at the scene.

Just 10 minutes later Shanks was arraigned and held to the grand jury without bond, charged with first-degree murder. Although illiterate, the negro objected to the charge of murder. "It ought to be manslaughter, your honor, because she was not dead when I left her," he said.

A short time later a true bill charging Shanks with murder was reported voted by a grand jury in a hearing that required only 30 minutes.

"A swift trip to the electric chair will be Shanks' portion," said Assistant State's Attorney Thomas Dillon.

After reenacting his crime and demonstrating against a murder charge, the negro refused to talk any more and was taken under heavy guard to jail.

Members of Evanston's negro section voiced demands for a speedy trial and the maximum penalty for Shanks, through Dr. Herbert A. Turner, president of the Chicago branch of the National Association for the Advancement of the Colored People.

Shanks' arrest was brought about through the sale of his victim's wrist watch to his employer's son, Lebert Bastian, who took it to a jeweler to have the initials "J. M. C." changed to his own. The slayer said he sold the watch for \$1.19, which was all he obtained from his crime.

Miss Constance, the victim, was head of the English department of Bradley Polytechnic institute in Peoria. She was attending Northwestern university as a summer student. Last Thursday night while en route to her home from the university library she was waylaid and killed.

Dillard Freed Wheeler Given 1 To 10 Years

Clifford Wheeler, former city editor of the Chicago Bee, along with Andrew D. Dillard, prominent south side druggist, was charged with a conspiracy to sell mortgaged cars under the pretense that they were cars that had been confiscated by the United States government, was found guilty by a jury Saturday after a trial of almost eight days duration in the court of Judge John P. McGoofy. The verdict automatically carries with it a

sentence of from one to ten years in the penitentiary. Dillard, co-defendant with Wheeler, was found not guilty by the jury.

Immediately after the verdict was read Attorney Henry C. Furgerson, representing Wheeler, made a motion for a new trial. Hearing on the motion was set for October 13.

Dillard was defended by Attorney Wendell E. Green.

Arrested in June Wheeler and Dillard were arrested last June after several customers had

had the cars they had bought from Wheeler taken away from them with the explanation that they were mortgaged and not paid for. Among the victims of Wheeler's alleged scheme were Judge Joseph L. McCarthy, the

paid \$1,150, started the investigation which laid to Wheeler's arrest; Bishop John A. Gregg, Dr. W. W. Dillard of Dailey sanitarium; Reuben Spears, former basketball star of Wendell Phillips and Howard; Mrs. Frank Gillespie, and Dr. Homer V. Wilbur.

According to the prosecution, Wheeler's scheme was to represent himself as a salesman of government confiscated cars. He would arrange to secure a car for the customer at a reduced price and after collecting the cash would go to an automobile dealer and take out a car, making the down payment with the cash he had received. He would then deliver the car to the buyer, representing it as fully paid for.

Cars Confiscated Wheeler's business apparently went on for some time without his being discovered. At last, however, the dealers began to foreclose on their chattel mortgages on the cars and began to tow them in. One after another the customers lost their cars. Spears' vehicle was towed away from in front of the Kappa Alpha Psi fraternity house as he was inside. For several days afterward he thought the car had been stolen.

Judge McCarthy in the meantime, started his investigation and landed Wheeler behind the bars. Dillard was also implicated and arrested later. Wheeler was greatly affected by his arrest and collapsed when he was arraigned for a preliminary hearing before Judge McCarthy. He was sent to the psychopathic hospital for examination, but was later released, and after his preliminary hearing was held to the grand jury and indicted for confidence game.

Maintains Innocence Both Wheeler and Dillard maintained their innocence of any criminal intent from the beginning. Wheeler intimated that he had been victimized by certain Caucasians believed to be connected with a gigantic auto swindle ring while Dillard claimed to have been victimized in turn by Wheeler.

Dillard's part in the matter seemed to have been only the securing of a few customers for Wheeler, who in turn paid him commission for his service. He denied any knowledge that the deals were not honest and claimed that the fraud had cost him his car and a considerable sum of cash.

Wheeler occupied the witness stand all day Thursday and a part of Friday morning. He told a fairly straight story of his connection with the auto deals and denied any suspicion that there was anything crooked about them.

Names Higher-up Principal responsibility for his con-

nection with the fraud was placed by Wheeler upon one John A. Moss, Jr., a man who represented himself as a gov-

ernment agent and who told Wheeler, according to the defendant's testimony that he had charge of the sale of gov-

ernment confiscated cars. He acquainted Wheeler with a number of dealers about town who he said had the government cars in their garages.

When Wheeler made a sale, he said he would take the money to one of these dealers and sign some blank pa-

pers, which he supposed to be records of the release of the cars. These pa-

pers, he afterwards discovered were later filled out as chattel mortgages bearing his signature. He declared

that he had no intention of signing any chattel mortgage when he took the cars out, but thought that he had paid for them in full.

Moss Missing John A. Moss seems to be missing and has not yet been located by police.

Investigation proved that there was no man of that name connected with the government service. Wheeler also mentioned one Mr. Fick, whom he al-

leged had some connection with the deals and whom he accused of being one of those who used him as a dupe.

A number of those who have been following this case ever since it was first brought before the public last

June still believe that Wheeler was in-

Crime - 1928

Illinois

TRIBUNE
KOKOMO, IND.

DEC 21 1928

Wheeler Freed On Probation; Tells His Story

Clifford Wheeler, former city editor, of the Chicago Bee, and recently found guilty of confidence game in connection with the alleged sale of mortgaged cars to customers at a reduced price, representing them as government confiscated machines, was released on probation by Judge John P. McGoorty of the Criminal court last Thursday. Wheeler, a physical wreck as a result of the long ordeal he has gone through since his arrest last June, was in the offices of THE WHOLE Monday and told a complete story of his part in the auto deals which resulted in his arrest. Fearing violence because he had exposed the higher ups in the ring who had taken advantage of him, Wheeler declared that he was going to leave town and go into hiding. He had kept quiet as long as he could, he said, but faced with the penitentiary, he felt forced to tell all that he knew.

Worked for Three

Wheeler named three men in whose employ he had been. One of those was I. O. B. Fick, of the United State secret service. The other two were John A. Moss and Owen McGivney. He worked for these men for about a year. They were handling automobiles supposed to have been confiscated from Michigan, Indiana and Wisconsin, so they told him, and his business was to keep check on these cars, making note of their numbers, when they were brought in, what garage they went to, etc. His salary was \$50 a week.

From fifteen to thirty cars were brought in every week according to Wheeler's story, and there were taken around to various automobile dealers, among which were the Moss Motor Sales company, Eddie Meyers garage, Gaynor-McCormick Motor Sales corporation, the United Auto Wreckers company, and others too numerous to mention.

Dealers Sold Cars

All the cars were sold from the floors of those garages, and according to Wheeler were represented as government confiscated by the government. He declared that the only car that he delivered personally was the one sold to Judge Joseph L. McCarthy. Wheeler said he made his fatal mistake when he told his employers that he had some friends who would

like to buy cars cheap. They said they would thing the matter over. Later, when Dr. A. D. Dillard, who was a co-defendant in the trial with Wheeler, said he wanted to buy a car, Wheeler spoke to the men again and ultimately sold a Packard car to Dr. Dillard. Dillard also told Moss that he had several friends who wanted cars and expressed an opinion that he could get some custom for the various dealers. Dillard also sold a few. The money was turned over to Wheeler's employers.

Asked to Sign Statement

Things went all right until one day McGivney and Fick came to Wheeler and asked him to sign a statement charging every colored man who had bought cars from him with receiving stolen property, and charging Dr. A. D. Dillard with larceny. They told him he would get out of the trouble all right. When he refused to sign the statement, he said, he was told he would be sent to the penitentiary for life.

When he still refused to sign, Fick took about \$2,000 from him which he had collected from his sales and explained that by mistake they had sold a few mortgaged cars, but he would straighten the matter out all right.

Wheeler then went to Dillard and talked the matter over with him and they decided to borrow money and attempt to pay off the mortgages on the cars they had sold in order to save their names and keep the people from losing their cars. Dillard, according to Wheeler, put up about \$2,000 in cash for this purpose. Fick, Moss and McGivney promised to return this money he said, but it was never received to his knowledge.

Confiscate Cars

There was another period of quiet and then Wheeler was again called before his employers and told that if he did not sign the statement he would have to go to jail. In the meantime, they began confiscating the cars and towing them into garages. This action, according to Wheeler, was illegal done, without the authority of a replevin writ or orders from any court.

One peculiarity about this action was that while the cars sold to colored people were confiscated, those sold to Caucasians, some 20 in number, were not disturbed. The report that Judge McCarthy lost his car was denied by Wheeler. He declared that the judge was still in possession of his car, which he had obtained from the United Auto Wreckers company.

When Wheeler refused to sign the statement implicating Dillard and his customers, he and Dillard were both thrown into jail on complaints sworn out by the people who had lost their cars, and were charged

with selling mortgaged property and confidence game. Dillard succeeded in making bond, but Wheeler was forced to remain in jail until the close of his trial, a period of almost six months.

The trial of the case recently closed with a verdict of guilty in Wheeler's case while Dillard was discharged. Motion for a new trial was argued last Thursday before Judge McGoorty by Attorney Henry C. Furgason, representing Wheeler. Rather than go through a new trial in his weakened physical condition, Wheeler decided it would be better to accept probation and let well enough alone.

In granting probation to Wheeler, Judge McGoorty expressed an opinion that advantage had been taken of the young man and warned him to be more careful of his business dealings in the future. He declared that he was going to the bottom of the whole affair and promised that if the alleged "higher ups" in the case were violating the law, he would see that they were brought to justice.

Action has already been started in the civil courts by persons who lost their cars, or the recovery of money paid out for them, according to Wheeler.

LAWRENCE, MASS.

Cagle.

DEC 21 1928

A FAMOUS VICTORY IN CHICAGO

A 17-year-old Chicago negro broke a small window in a restaurant. Three policemen came to question him about it. He barricaded himself in his room, produced a couple of revolvers and defied them to get him out.

Before the affair ended 200 policemen had laid siege to the place, nine of them had been wounded and the barricaded negro youth had been shot to death. And all for a broken window.

The exact moral of this little tale is a bit obscure. When 200 policemen are called out for a four-hour gun battle, in which a 17-year old boy is killed and nine officers are wounded because of a broken restaurant window; when all of this happens in a city where gang murders are daily occurrences, where a gang of plug-uglies convicted of conniving at a murder on election day are let off with fines, where beer-runners, gambling kings, vice lords and such like gentry seem able to go unmolested from year to year—well, something is a little bit out of proportion somewhere.

A FAMOUS VICTORY IN CHICAGO.

A 17-year-old Chicago negro broke a small window in a restaurant. Three policemen came to question him about it. He barricaded himself in his room, produced a couple of revolvers and defied them to get him out.

Before the affair ended 200 policemen had laid siege to the place, nine of them had been wounded and the barricaded negro youth had been shot to death. And all for a broken window!

The exact moral of this little tale is a bit obscure. When 200 policemen are called out for a four-hour gun battle, in which a 17-year-old boy is killed and nine officers are wounded, because of a broken restaurant window; where all of this happens in a city where gang murders are daily occurrences, where a gang of plug-uglies convicted of conniving at a murder on election day are let off with fines where beer-runners, gambling kings, vice lords and such like gentry seem able to go unmolested from year to year—well, something is a little bit out of proportion, somewhere

HERALD

Dillard, S. C.

DEC 20 1928

THEY DON'T UNDERSTAND THE NEGRO

A sixteen-year-old negro boy, chased by officers, barricaded himself in a Chicago house and wounded six policemen protected by bullet-proof shields before his body was riddled with lead. Arthur Brisbane, well-known writer, says the boy "was probably insane." No, he was not insane. He was probably a strange negro in a strange land. When chased by the officers he was like an animal driven to bay and lost all sense of reason. The Northerner has not lived with the negro long enough to understand him. If this had happened in a Southern state it is probable the boy would have been quietly arrested and would have submitted to arrest without a show of protest. The Northerner thinks he knows the negro but he doesn't. The negro, since coming in contact with the Northerner, is discovering that the Southern white man is his best friend. A South Carolina negro moved to a Northern state, so the story goes. A crime was committed and suspicion pointed to the old darky. He was taken from his home, a rope was thrown over a limb and as the mob started to haul away a man rushed up and told the crowd that another man had confessed the crime. The negro was released with apologies. The next day the old negro began to pack up his plunder. A white neighbor passing by enquired, "Why, Uncle John, where are you going?" "I've gwine back to Caroliner," replied Uncle John. "Why man," warned the white neighbor, "don't you know they lynch a nigger down there every day?" "Dat mout be true," replied Uncle John, "but when I've lynched I want'er be lynched by my friends."

RAID HOME OF WM. WALKER

EFFORT TO LINK NEGRO JANITOR IN ROGERS MYSTERY

**Constables Break Open Doors
—Violate the Privacy of His
Home Without Warrant
of Law**

On last Tuesday, Wm. Walker, retired saloonist and cafeterist, at 7th and Walnut streets, quietly napping in bed at his home, was rudely awakened from his sleep by a crowd of officials breaking down his doors and bent on ransacking his home, under the pretense that they were looking for liquor. After Mr. Sternburg and his warriors had searched the premises, without warrant of law and subjected Mr. Walker to every imaginary indignity left without finding anything forbidden by law.

Mr. Walker is a Negro Democrat and doesn't care who knows it, but he is yet an American citizen and entitled to the protection of the law. His home was ruthlessly broken into by Sternburg and his private affairs, prried into without any authority or warrant of law.

These thugs ought to bring the flush of shame to the cheeks of every lover of law and order in this community.

Louisville, Ky., December 28.—(AP) The disclosure that Philip Hynes, negro former janitor of the apartment house from which Mrs. Ella McDowell Rogers disappeared October 7 was an ex-convict and parole violator led detectives to continue their efforts to link him with the mystery of the 29-year-old widow.

Haynes, under the name of Harry Walker, was convicted of burglary in 1914 of housebreaking and sentenced to a term of from nine to ten years. He was paroled in 1920 and that he was a parole violator. It was established yesterday. Haynes also is under indictment for malicious shooting as a result of an affray about a year ago in a negro pool-room.

Dr. Vernon Robins, city chemist, has tested for traces of human blood, substance scraped from the racks of joints of the concrete floor of the Rogers apartment building basement. Other articles submitted to him for examination included burned bones, a stained monkey wrench and a pair of trousers. The contents of his partial report have been withheld.

DOG'S TESTIMONY CONVICTS MAN

New Orleans, La., June 26.—(By A. N. P.)—Despite the fact that the State Supreme Court has decided the evidence of a dog is not sufficient to send a man to the gallows or life imprisonment, Caleb Hawkins, aged Negro, has been sentenced to life imprisonment for the murder of Frank E. Fagot, Jr., a state conservation agent on August 10 last year.

Fagot was killed by an unknown party who fired at him from the bushes. Blood hounds were brought from Mississippi and took up a trail which led through swamps, bayous, and through crowded streets, and finally landed at the home of Hawkins who was asleep in bed. Hawkins attempted to prove an alibi but the evidence of the blood hounds was taken by a jury of twelve men. Hawkins had no money to fight the case and will now spend the remaining years of his life on the State Farm at Angola.

ITEM

NEW ORLEANS, LA.

AUG 2 1928

Colored Crime

WE REPRODUCE elsewhere a letter from Joseph Blesaig protesting against certain conditions which exist in the city among the colored people. The writer of this letter urges this paper to ask the colored ministers to preach against the habit which too many of our colored people have of indulging in pistol, stiletto and knife practice on one another.

A number of respectable, law-abiding colored people have from time to time called our attention to a condition which is too prevalent among their race. The whites have developed a wrong attitude of mind regarding fights and killings among the negroes. These crimes are tolerated or palliated as being simply negro affairs. The police do not take them as seriously as they should and we regret to say that too many of the colored people themselves fail to take them as seriously as they should.

For one thing the colored people are quite race conscious. They do not like to testify in court against another colored party.

They have an unusual feeling of hesitation or reluctance to aid the police in arresting colored criminals or in aiding in their prosecution, and the reaction from this condition of affairs is very unfortunate for the respectable, law-abiding, decent colored people. It is an unusual thing that colored people of this type are the victims of either robbery, shooting or assault at the hands of white people. The races living in the city of New Orleans are in very kindly accord, but this better type of colored people are constantly being made the victims of shooting, cutting, assault and robbery at the hands of the tough element of their own race.

Offhand, it is difficult to make a suggestion that would be helpful and constructive. For one thing, the police, the judges and the law enforcement authorities of the city of New Orleans should be urged to discriminate carefully between the colored people of the various types. A good character, a good record for behavior, a good standing in the community, must be considered carefully in behalf of the colored people of this type.

WE ARE quite sure that many of our judges do take these factors into consideration. We are not always sure that the police are inclined to differentiate.

We have always felt that the colored churches and the colored church organizations should be recognized and strengthened, because of their good influences, both in keeping together the respectable colored people and in aiding in the prevention of lawlessness and crime. What we are discussing here is not a question that relates to any friction whatever between the white and colored people of this city and section, but as relates to the numberless crimes committed by colored people against other colored people, which too often go unpunished or ignored.

This condition does not exist among the colored people alone. Complaint is constantly being made against the lax enforcement of the law against white criminals and white people who commit acts of violence. But what is true regarding the white people, is even more true regarding the colored people. If we want to put the matter on the most cold-blooded and selfish grounds, we would say that too much of this kind of thing tends to cause the respectable, decent and law-abiding colored people of the town to be dissatisfied with their lot and desirous of leaving, and this is likely to leave in the town the most undesirable. That is bad city policy.

Louisiana.

Hold White Man for Slaying Negro

NEW ORLEANS, La., Dec. 26.—After he had shot and killed a colored burglar whom he had caught stealing tires from his automobile, a charge of manslaughter was brought against Ernest Feigler, 37 years of age, South Galvez street. An affidavit was filed against him in the criminal court and bond fixed at \$1,500.

Feigler notified the police at 5:45 Saturday morning that he had shot the man. Police were sent to investigate, found the victim, who was later identified as Frank Golden, lying in the street in front of the Feigler residence and grocery.

According to Feigler's statement, he was awakened by a noise in front of his house and suspecting an attempt to steal his truck, he took a shotgun and went to the front window. He saw two men removing a tire from the truck and fired. One ran. The other fell. Buck shot had struck him in the neck and chest and he died before a Charity Hospital ambulance arrived.

Police found Golden lying in the street beside a tire and a set of tools which Feigler said did not belong to him.

Captain David Jackson stated in his report that he believed the homicide justifiable. After the matter was submitted to the district attorney's office later in the morning, an affidavit charging Feigler with manslaughter was filed.

Lion's Club Objects To Negro's Parole

(By Associated Negro Press)
SLIDEL, La.—The Slidel's Lion's club, composed of business men, at their weekly luncheon, opposed the granting of a parole to Walter Kane who had been sentenced to seven years in the state penitentiary for the killing of Charles Smith, a white man, in 1911.

After the shooting, Kane fled and was on the run for years but was captured in Missouri and brought back to this place for trial. A resolution signed by all the members was presented to the board of pardons.

Southern Daily Asks Mercy for Girl Murderer, 15, Given Life Imprisonment

NEW ORLEANS, La., (ANP)— A penalty of life imprisonment was levied by Judge A. D. Henriques against a 15-year-old girl, Mabel Downs, who was convicted before him last week for the murder of her lover, Louis Diggs, in a restaurant on South Rampart street, July 7.

After being sentenced and while she was being led from the court room back to the Parish Prison, the girl attempted to make a break for freedom by striking at Deputy Sheriff Joseph Wicks, who was holding her. The blow landed on the sheriff's eye but he managed to subdue her and lead her back to the dock.

The "Times-Picayune," one of the leading newspapers in the South, which has made an aggressive fight for one hundred per cent white supremacy, commenting on the sentence, editorially, says in part:

"As we understand the law, the trial judge, could impose no other sentence under the verdict rendered. For conviction on first-degree murder only two penalties are fixed—death and hanging or life imprisonment. The jury's recommendation saved the youthful offender from capital punishment and the alternative sentence followed. When, therefore, we suggest that infliction of such punishment upon a fifteen-year-old girl is inhumane and unjust, no reflection or censure of the court is intended or implied.

"We make this suggestion in the belief that no fifteen-year-old child has reached the maturity of judgment necessary to commission of the premeditated and cold-blooded murder for which the law prescribes its extreme penalties. The spirit of humanity protests, against so dreadful a punishment of a fifteen-year-old girl, who is all probability obeyed her primitive instincts and impulses because she lacked even the measure of discipline and education given the average white child of similar age.

"If the fifteen-year-old culprit belonged to the white race, we have no doubt that powerful intercessions would have been made in behalf before now. The fact that she happens to be a Negro should not doom her to lifelong imprisonment from which her youth should shelter her. We do not believe the ends of justice can be served by an injustice to child offenders. And accordingly we hope that ways will be found to moderate this sentence to a degree consistent both with the safety of society and the modern principles of child welfare as applied in our juvenile courts."

PROBATION IN BALTIMORE HIT BY CRIME BODY

Commission Finds Whole
Department To Be Far
From Satisfactory

BETTER SUPERVISION;
MORE OFFICERS NEEDED

Lack Of Efficiency Cited In
The Colored Division Of
Work

Declaring that probation in Baltimore had failed, not because the theory of probation was unsound, but because of the manner in which it was being administered, the Baltimore Crime Commission has recommended a complete reorganization of that department.

The recommendation of the Criminal Justice Commission is based on an intensive study of 491 cases of probation, taken from the records in 1927.

Of the old active probation cases prior to 1927, it was found that 59 of the 232 probationers were arrested a total of 131 times and 41 of 59 arrested were convicted one or more times for offenses exclusive of traffic violations.

Of 142 cases placed on probation by one judge during 1927, 26 were arrested during the year.

Of 83 cases placed on probation by another judge, 10 were subsequently arrested.

Of the total of 259 placed on probation during 1927, 16 per cent had been arrested during an average period of approximately six months, and over 10 per cent had actually been convicted one or more times during this period.

Colored Division
In cases studied from the colored division, of which the Rev. Beale Elliot is director, the Crime Commis-

sion indicates that the work in that department not only has been unsatisfactory, but lacked efficiency.

The commission points out that lack of sufficient personnel and detail work together with the lack of an efficient reporting system are among the defects of this department.

Several concrete cases are given in detail by the report, among them being the case of G. H., a boy aged 15, who was placed on probation in 1927 in the Criminal Court, after being released from Cheltenham on a writ of habeas corpus. Under the terms of his probation he was to "go back to North Carolina and stay there". In other words, the order of "floating" an undesirable out of town was employed.

Why he should be sent back to North Carolina is a question, for he had been a Baltimore problem for some years and both of his parents were here. A few months later when he was supposed to be safely in North Carolina, he was fined \$10 and costs in Baltimore City for disturbing the peace.

Shortly thereafter another fine of like amount was imposed for disorderly conduct. Dismissal later followed an assault charge and a subsequent larceny charge was dismissed by the Grand Jury.

After the above information concerning the subsequent arrests of G. H. had been submitted to the probation department, the following memorandum was received from them.

"G. H., Probation date 3-28-27. Man was placed on probation but never turned over to probation department by court. He has a long record and he should be returned to Cheltenham where he was committed January 21st and should not have been placed on probation. He cannot be located."

Found In Half Hour

Although the probation department could not locate G. H., the commission was able to do so in half an hour. Informed of his whereabouts, the probation department had him taken into custody and he has since been returned to Cheltenham.

Similar Case

A similar case was that of I. J., 22 years old, who the probation department said could not be located, but it took the Crime Commission a little more than an hour to trace this man to several different addresses and finally locate him at his place of employment.

When this information was transmitted to the probation department, it was found that not a single one of this probationer's later addresses were known to the probation department.

Non-Support

Especially in cases of non-support has there been complaint from welfare agencies working with the department here.

Paul T. Beisser, general secretary of the Henry Watson Aid Society, declared,

"I am speaking for my entire staff when I say that it is the common

solid gold plates was the unusual experience of Andrew Fletcher Rosemon and Seth Weeks, American musicians, while entertaining for Bron Ravosky, of Russia, here at a recent banquet.

The two were not only commended for their music by the baron's guests, but were tendered the same courtesies by the host as those shown the persons being entertained. Complete table service was of wrought gold.

Mr. Rosemond, formerly of the violin department of a New York music school, is preparing for an American concert tour next fall. Mr. Weeks is a former president of the Clef Club, New York, and is known in music circles in Paris, London and Berlin.

SUN
BALTIMORE, MD.

AUG 1 1928

A Personal Triumph

Back in 1917 the police and the courts disposed of what is known in popular parlance as a "bad egg." A Negro, participant in a hold-up and shooting, was sent to the Penitentiary for fifteen years.

Eleven years and six months later that "bad egg" becomes an object of public interest. For once the punitive operation of the law has seemed to have a salutary effect. Some dormant quality in the Negro hold-up man was awakened.

First he applied his earnings as a laborer in the Penitentiary shops to paying back the money he had stolen. That accomplished, he has accumulated \$1,800 additional.

He worked his way up to a foremanship.

He invented and patented a gasoline motor device.

He has studied law and plans to take the Federal bar examinations at Washington.

He has found time with all of this to read Dante's Divine Comedy, the works of Jean Jacques Rousseau, the works of Balzac and De Maupassant, the philosophy of David Hume, Henry James and Bertrand Russell.

Rather extraordinary achievements for a "bad egg." And what is the moral to be pointed? We doubt that there is one, that any generalization can be drawn. The case proves more than anything else the inscrutable mystery of human nature. Its quirks and fancies are as in-

dividual as noses and thumb prints. Perhaps there are latent possibilities in the worst of us if they can but be awakened, but there is no assurance that what will stir such possibilities to life in one will do it in another. We doubt that any great good could be accomplished by inducing all bad eggs to participate in hold-ups and shooting affrays to be sent to the Penitentiary. For all of the accomplishments of this Negro his experience provides no formula for the solution of the social problem.

Lynched Man's Co-defendant To Hang

JACKSON, Miss., May 3.—The lynching of a Negro in Coahoma county more than two years ago, following the man's acquittal in the Circuit Court, was recalled April 23, when the Supreme Court decided that one of the lynched man's co-defendants must hang next month. John Fisher goes to the gallows May 31 for the murder of Grover C. Nicholas, white storekeeper, on October 15, 1925, by a decision delivered by Associate Justice Ethridge. Unless the governor issues a pardon, the execution of Fisher will close an incident which started with the attempted robbery of a plantation commissary, which included the murder of Nicholas, the lynching of an acquitted man, the sentence of another to life imprisonment and the death sentence of Fisher.

Constable Held For Murder Of Two Negroes

shooting created considerable excitement and indignation here, for it was reported that the Negro had apparently been shot without provocation.

LEADER

JACKSON, MISS., May 28.—(P)—Constable O. C. Foster, Hinds County, was being held in jail here tonight under two charges of murder in connection with the killing of two negroes which was declared by Circuit Judge Potter to have been "unprovoked" and he ordered Foster held without bond. The shooting occurred Sunday when Foster and a deputy raided a gambling game.

James White and Alex Bonds, the negroes shot and killed, were the participants of a game which six negroes testified was in progress prior to the shooting.

Constable Foster testified that he and his deputy went to the house and heard voices and saw a light. When the officers demanded entrance the light went out and a window crashed near Foster, he said. He then fired into the darkness, thinking that he was about to be attacked, he said, and when the door was opened one negro was dead and another fatally wounded.

NEGRO PRESCRIBES REMEDY FOR CRIME.

The Commercial Appeal of Memphis, contained the following item that is worthy of consideration by Elder Williamson's race and by the white people:

"Elder J. M. Williamson, head of the Negro National Industrial Association, Inc., spoke to employees of his race at the Turner-Faber-Love Co., lumber plant recently on the "Better Home and Clean-Up Drive."

"Williamson emphasized the necessity of having a moral, religious, industrious home with sanitary surroundings. He urged the negroes to plant gardens where weeds and grass grow, to bring conditions essential to better health.

"Williamson said if negroes would work six days in each week, go to church every Sunday and go to bed at 9 o'clock, crimes would vanish and the race would improve along all needed lines."

It is noticeable in Brookhaven that while "help is hard to get", from three to seven stalwart negro men may be seen standing or sitting at the corners almost any old time. When asked if they will do some work their reply, oftener than not, is a sen-

tentious "I don't know."

The "Six days shalt thou labor" has taken its place alongside the abused command "Remember the Sabbath Day to keep it holy." Satan continues to find something for idle hands to do on Sunday and Monday. Williamson's suggestion strikes at the root of the whole matter.

Memphis, Tenn. Commercial Appeal
Wednesday, July 11, 1928

NEGRO TO BE EXECUTED.

Will Burdo to Be Hanged At Tunica Friday for Murder.

TUNICA, Miss., July 10.—Will Burdo, negro convicted of murder at the January term of circuit court of Tunica County will be hung at Tunica Friday.

Burdo was convicted of killing Clarence O'Neal of Duvalls Bluff, Ark., the latter part of the year of 1927. The killing occurred in the woods in the southeast corner of Tunica County near Askew.

Burdo forced O'Neal to undress and after searching his clothes and taking what money he had, shot him and drove away in his car. Mr. O'Neal managed to crawl a short distance where he succeeded in calling help and was carried to a Memphis hospital where he died.

Burdo drove into Tennessee and was dismantling O'Neal's car and selling it by parts when arrested by Deputy Sheriff Sheppard of Shelby County, Tenn.

Sheriff Salmon had had the gallows built and his plans made for the execution.

Burdo will be the second negro hung in this county within the last three years for murder.

WHITE MEN SHOT NEGRO.

Wounded Man Says Refusal to Take Drink Cause.

LAUREL, Miss., Oct. 1.—Charley Moore, negro of Stafford Springs, is a patient at the South Mississippi Charity Hospital here as a result of being shot by one of a party of four unidentified white men through the abdomen as he was making his way home Sunday night about 8 o'clock.

According to the negro's story he was accosted by the men and offered a drink of liquor. On his refusal and turn to proceed on his journey home, they commanded him to stop and when he kept walking they fired one shot which took effect. Tom Davis, a white man of Rose Hill, in Jasper County, was arrested Monday morning by Sheriff J. W. Smith of that county after he had conducted an investigation.

VENIREMEN MISSING; ATTACHMENTS ISSUED

Columbia, Tenn., June 6.—(Special.) Considerable difficulty was experienced Tuesday in the selection of a jury to try the case of state of Tennessee against Francis Brady and Charles (Jude) Paul, white men charged with assault with intent to commit murder in the first degree as the result of the shooting of Thomas Myers, Negro teacher, here recently.

Of the panel of 175 veniremen summoned only twelve were in the courtroom when Chancellor Thomas B. Lytle, sitting by interchange for Judge W. B. Turner called the case. Attachments and instantia subpoenas were ordered issued to bring the missing veniremen into the courtroom.

From the close questioning of the prospective jurors by counsel it was apparent that the case is to be bitterly contested from start to finish. With Attorney-General Claude L. Boyd, W. S. Fleming, Jr., is retained to aid in the prosecution while the defendants have no less than five attorneys, Thomas H. Peebles, Thomas B. Forgey, Raleigh Selkirk Hopkins, B. Lev Sewell and Hon. William J. Latham.

At the time of its occurrence the

A MURDER A WEEK

Forty-five murders during 1927 out of a total of one hundred and one, nearly one murder a week, is the staggering record of the Negroes of Kansas City! This appalling indifference to life, this bloody adjustment of differences condemns us all, the thirty-five thousand others as well as the forty-five killers. For one tenth of the population to do nearly half the killing means we are just that much at fault. Our affairs are no more complex, no more important, no more pressing. We simply are more foolish and believe a strong arm, and a trigger finger can take the place of brains. We cut a sorry figure with such a murder record.

Churches, lodges, clubs, social workers, what answer have you for this terrible moral corruption in our group in Kansas City? Are Negroes murderers everywhere as we are here? Are all men murderers who live on the lowest industrial scale and farthest from culture? We are not born that way, and it is yours to lead on to saner living. Many a one of these killings has taken place over gambling, over illegitimate love affairs and other relations admittedly evil. If their existence breeds death, then it is our business, and the police's duty, to reduce these causes to their minimum. Murder must cease. The prosecutor owes us the protection of stern prosecution of every murder charge. As we have pointed out time and again in the past, Kansas City over a period of years has treated murder of Negroes by Negroes as minor crime, punished or not according to whim. That condition should be changed, and swift and dire penalty, even to the first degree, be dealt out to killers. A killing a week! What could be worse?

TOLL OF KNIVES AND GUNS TWICE ACCIDENT TOLL

Only Two Shot by Police as Against Seven in 1926; Four Suicides

There were forty-five Negroes murdered last year in Kansas City, the vast majority of the victims were killed by Negroes themselves.

Two were shot to death by police compared to seven killed that way last year.

Twenty-nine were killed by firearms and thirteen cut to pieces.

In most cases the causes leading up to the killings were trivial—crap game argument over fifteen cents, a quarrel with a "sweetie", drunken argument, etc.

The toll from murders is almost twice as much as the toll from accidents.

These are the high spots in the annual report of Dr. L. W. Turner, deputy coroner. Dr. Turner has held his office for one year—from January 1, 1927 to January 1, 1928.

A total of 214 Negroes died or were killed last year, Dr. Turner reports. One hundred twenty-five of these died from diseases, 27 from accidents, four from suicides, 45 from murder, 12 from alcoholism and one from abortion.

Comparative Table

Homicides: Negroes, 45; whites, 56.
Suicides: Negroes, 4; whites, 67.
Accidents: Negroes, 27; whites, 237.
Alcoholism: Negroes, 12; whites, 38.
Heart Disease: Negroes, 52; whites, 219.



Dr. L. W. Turner

25TH MURDER ON JULY 9TH

Man Slain in Scuffle with Wife Over Gun

The twenty-fifth murder of the year occurred Monday night July 9, when Mr. Pearl Allen, 2012 E. 12th street, was shot and killed by his wife, Elizabeth Allen.

Allen was shot in the course of a scuffle. Mrs. Allen told police her husband was giving her a beating and became so enraged he reached for a gun on the dresser declaring he was going to kill her. In her struggle to keep him from shooting her, the pistol was discharged, the bullet entering Allen's chest, she says.

Allen is said to have had a bad reputation and Mrs. Allen reported he had beaten her on several occasions. She is a woman regularly employed, has a good reputation and is an usher at St. Stephen Baptist church. The coroner's inquest will be held Monday.

USE THE GALLOWES!

A Negro boy killed by another on Monday, and a Negro man, pistol in hand, threatening to kill another on Tuesday are two eloquent reasons why the gallows should go into action to stop murders. The papers say the boys were tussling, but a pistol is a poor plaything to struggle for. The pistol totter who threatened had already hit his man, and vowed he would shoot if the latter dared "call me a liar." To such a low value is human life come in Kansas City that passing the lie is inviting death. We repeat what we have been saying—the gallows should come to Jackson county. Negroes who do not value the lives of other Negroes will not stop their killing until fear for their own necks teaches them they are not of such ungovernable tempers as they now think. This thing of a drink, a bet, an argument, being the

forerunner of a killing must stop. Let the police arrest and the prosecutor convict! Bring on the gallows! Negro lives must be made safe!

FOUR MURDERS BRING TOLL TO 38

The Mystery Killing: Wife Slain by Mate: Hubby Knifed by Wife

Kansas City Negroes go merrily on their way of killing each other. Four more murders were chalked up this week, one however was committed by a white man. This makes the total number of murders of Negroes by Negroes 38 since January 1. This number is only seven less than the total for the whole of last year.

Wife Dies From Shot

Inez Curay, 14 E. 56th street terrace, who was shot in the right hip by her husband on September 23, died at General hospital No. 2 Wednesday.

The shooting, which occurred on the back porch of Mrs. Curay's employer's home, is said to have been the result of a separation between the two. The woman's husband came to her place of employment and called her to the porch, where after a short argument in which she again refused to live with him, he shot her.

The man has been filed upon by the prosecutor's office with a charge of murder.

Kill Over Quarter

Preston Archie, 26 years old, 1801 E. 18th street, was slashed fatally by his wife Mary, in a quarrel over twenty-five cents early Wednesday evening. Archie's left arm was nearly dismembered by the gash which severed the main artery, and he died from loss of blood before medical attention could be rendered. His wife, who escaped after the slaying, gave herself up to police officers at No. 6 station an hour later.

The affair is said to have started

when the woman followed her husband to the home of Grant Owens, 1720 E. 18th street, who has an apartment on the second floor. According to the statement made to police by Owens, and by Daniel Price, 1707 Olive street, who both were eye witnesses of the killing, the woman asked Archie for a quarter to buy food for her mother. Archie is said to have refused.

Owens then gave the woman a quarter, and told her husband that he ought to give his wife the money. The woman then started to go, after daring her husband to come down to the sidewalk. According to the statement, the man, who had been sitting down, got up and followed his wife to the head of the stairs where she turned on him and slashed him with some kind of sharp weapon.

When the woman gave herself up she made an informal statement that Archie had struck her and had drawn a knife on her, and that she slashed him in self defense.

Archie, who was an employee of the city, had lived at the 18th street address for three years. His body was taken to Adkins Brothers undertaking parlor by order of Deputy Coroner Dr. L. W. Turner.

Mystery Slaying

In another of the "unsolved" killings Garland Hill, 1919 E. 9th street, was slain early Wednesday morning on a park bench on the Paseo 16th street by two unknown men who left their victim slumped over with a bullet wound in his head. A witness to the killing, Herbert Johnson, 1705 Forest avenue, trailed the men to a house on East Tenth street but when he returned with police the house was found to be a vacant residence.

Johnson stated that he was on his way to 12th street by way of the Paseo when he saw three men coming toward him from Vine street. Being afraid that they were holdups, Johnson halted in a patch of shadow. Then, according to his statement the three men seated themselves on a bench from which in a short time, came the muffled report of a shot. Two of the men got up and walked leisurely away while the third slumped over on the bench. As has been stated Johnson followed them, and later returned with police. At present no suspects have been caught.

One theory held by police is that Hill was taken "for a walk" by enemies for reasons which are unknown.

Slayer Out on Bond

Victor Glennon, 23 years old, 634 Garfield, the white slayer of a man known as Montreal Wolf, 808 Independence, has been freed on a \$2,000 coroner's bond pending an inquest. Wolf was slain the night of October 7 after he is alleged to have frightened Glennon's mother. Glennon is said to have followed Wolf a half block down the street before firing the fatal shot with his shotgun.

WOMAN KILLER SLAYS MAN IN JEALOUS FIT

The Other Murder Is Most Brutal Knifing of the Year

Arthur Smith, 908 E. 4th was shot to death by Lucy Turner, his alleged common-law wife at the above address last Saturday night after Smith had expressed his determination to return to his legal wife, whom he had been estranged for a year. The Turner woman was arrested and charged with murder, but later was released on a \$1,000 property bond.

According to the woman's statement, she and Smith had been living together as man and wife for a year. Saturday night Smith announced that he was going back to his real wife, and started to leave. Both had been drinking, she said, and an argument arose during which Smith is said to have drawn a knife. The woman seized a pistol and shot him in the stomach. He died the next morning at general hospital No. 2.

Smith's legal wife says that the Turner woman caused her husband to leave her, and had threatened her life if she did anything about the matter. According to police records Smith's slayer has a bad reputation as about seven years ago she shot a man named John Wyatt.

As though ashamed of the fact that there has been a brief lapse in the weekly killings of Negroes by whites, Kansas City had two this week and which makes three so far or September, and 34 for the year.

THE COLOR TEST FOR CRIME

Buried in the news of the other day was an item entitled "Rob Then Attack Girl". The story reads: "He said both of the men had attacked the young woman and then robbed him of his billfold, containing \$8 and a deed to his Ford car."

The occurrences related here in all the graver aspects are the same as led to the conviction of two Negro boys for rape two years ago. But

their case drew columns of newspaper comment, and was an "emergency" in the opinion of the trial court.

To our thinking rape is rape, a most despicable crime for which there is neither excuse, nor clemency,—nor degree of difference. If black boys by attacking women create an emergency so do white men. We cannot help wondering what part the environment and opportunity of the Negro boys played in their downfall, and comparing with their situation that of the white men who showed themselves equally depraved. There is no color in crime. The big difference is in the public's attitude toward criminals, proved by the very calm terse story of this rape by white men.

There will come a reckoning. The law cannot be extra searching and severe in the handling of Negro criminals, but lenient with whites, without bringing about a reaction which will cure the evil. Deeds of oppression never can escape the God-given mandate that only that shall endure which is an improvement.

Crime-1928
**REPORT OMAHA AX
KILLER SUSPECT
SCAPEGOAT**

OMAHA, Neb., Dec. 26.—(By A. N. P.)—After submitting to a three weeks' reign of terror, as a result of the so-called "axe-murders," colored residents of this city have been relieved of the one-sided surveillance of their activities on the part of the police department, and have begun to assemble the materials for a counter-offensive against the police department and certain other interested persons.

It is their theory that the colored man now being held in custody at Council Bluffs, Iowa, Jake Byrd, is not guilty and that he is being made a scapegoat by some other parties who would prefer to see him put out of the way.

The fact has been emphasized that Byrd does not fit in any particular description which Mrs. Harold Stribling, the white woman whose husband was killed when she was attacked, gave of her assailant prior to the arrest of Byrd.

But, although Mrs. Stribling's original description of her assailant does not fit the suspect, her words and actions have seemed to indicate that she not only knew Byrd, but that her relations may have been cordial with him for some time. Report has it that Mrs. Stribling's conduct may not have always been beyond reproach. Students in one of the law classes at Omaha University are said to have taken the case under consideration and come to the conclusion that if Byrd was the guilty man, he must have been the woman's secret lover. They based this highly-speculative assumption on her alleged statement, "Now, Jake, you know you did it. After spending three hours with me, you should know that I know you are the man."

who know him best declare. They would not be surprised if some of the police have not become a party to a scheme which is thought to involve Byrd and the Burlington railroad.

According to a story that is being told, two rich white boys, one from Chicago, and one from Cleveland, went hoboing last summer for a thrill. On their trip they are said to have run into Byrd, who was experienced in the game. The three of them stuck together, Byrd teaching the white boys how to get by. Just outside of Omaha, the three of them ran into a Burlington detective who is said to have beaten one of the white boys, who did not know enough to get out of the way, until he fell between the cars and was killed.

Of course, the boy's family is suing the railroad. Byrd is the only witness. The friends and family of the slain boy are said to have given Byrd ten dollars a day to stay in Omaha to serve as a witness at the trial. Mrs. Stribling is reported to have received aid from the railroad people, this money being responsible for her positive identification of Byrd.

Very little is known definitely, but it is generally felt that a searching investigation of all the facts and angles of the case might disclose a conspiracy between certain police officers, representatives of the railroad, and Mrs. Stribling, to get rid of Byrd in order to weaken the suit for damages in the case of the white boy who was slain.

The National Association for the Advancement of Colored People has taken a hand in the case and is expected to go to the bottom of the various reports and rumors that are being handled around.

OMAHA NEGRO IS SCAPEGOAT FOR AX CRIMES

Omaha, Nebr.—(ANP)—After submitting to a three weeks' reign of terror, as a result of the so-called "axe-murders," colored residents of this city have been relieved of the one-sided surveillance of their activities on the part of the police department, and have begun to assemble the materials for a counter-offensive against the police department and certain interested persons.

It is their theory that the colored man now being held in custody at Council Bluffs, Iowa, Jake Byrd, is not guilty, and that he is being made a scapegoat by some other parties who would prefer to see him put out of the way.

The fact has been emphasized that Byrd does not fit in any particular description which Mrs. Harold Stribling, the white woman whose husband was killed when she was attacked, gave of her assailant prior to the arrest of Byrd.

But, although Mrs. Stribling's original description of her assailant does not fit the suspect, her words and actions have seemed to indicate that she not only knew Byrd, but that her relations may have been cordial with him for sometime. Report has it that Mrs. Stribling's conduct may not have always been beyond reproach. Students in one of the law classes at Omaha University are said to have taken the case under consideration and come to the conclusion that if Byrd was the guilty man, he must have been the woman's secret lover. They based this highly-speculative assumption on her alleged statement, "Now, Jake you know you did it. After spending three hours with me, you should know that I know you are the man."

Much resentment is felt here against the police department. The head of the department is a Jew who rose from out of the ranks and is inclined to lose his sense of proportions in big emergencies, some of those who know him best declare. They would not be surprised if some of the police have not become a party to a scheme which is thought to involve Byrd and the Burlington railroad.

According to a story that is being told, two rich white boys, one from Chicago, and one from Cleveland, went hoboing last summer for a thrill. On their trip they are said to have run into Byrd, who was experienced in the game. The three of them stuck together, Byrd teaching the white boys how to get by. Just outside of Omaha, the three of them ran into a Burlington detective who is said to have beaten one of the white boys, who did not know enough to get out of the way, until he fell between the cars and was killed.

Of course, the boy's family is suing the railroad. Byrd is the only witness. The friends and family of the slain boy are said to have given Byrd ten dollars a day to stay in Omaha to serve as a witness at the trial. Mrs. Stribling is reported to have received aid from the railroad people, this money being responsible for her positive identification of Byrd.

Very little is known definitely, but it is generally felt that a searching investigation of all the facts and angles of the case might disclose a conspiracy between certain police of-

icers, representatives of the railroad, and Mrs. Stribling, to get rid of Byrd in order to weaken the suit for damages in the case of the white boy who was slain.

The National Association for the Advancement of Colored People has taken a hand in the case and is expected to go to the bottom of the various reports and rumors that are being handled around.

Negro Laborer Admits He Was Hatchet Slayer

Confesses To Two Killings But Won't Tell More About Deeds

Another Identified Omaha Woman Says Sus- pect Is 'The Man'

SPOKANE, WASH., Nov. 27.—(AP)—Earl Williams, negro held here on suspicion that he might be the Omaha, Neb., "hatchet slayer," was tentatively identified by the chief of detectives of that city over long distance telephone tonight. Chief Wesley Turner of the Spokane police department said. Turner said that the Nebraska officer was leaving immediately for Spokane.

Williams was asked several questions based on the slaying of Mrs. Walter Resso and her sister, Miss Greta Brown in Omaha, the police chief said. After the interview Chief Turner said the Nebraska officer told him he "was sure" Williams was the man wanted in Omaha.

SPOKANE, WASH., Nov. 27.—(AP)—The possibility developed tonight that Elmer Williams, who today confessed to police that he had killed four persons in Nebraska with a hatchet, was a victim of hallucinations.

Williams, who had been living at a Salvation Army lodging house here for five days, was known there as "The Preacher." When apprehended he had a Bible and a clipping describing two Nebraska murders, and his "confession" seemed to be preying on his mind, one police officer said.

SPOKANE, WASH., Nov. 27.—(AP)—Police said today that a negro giving the name of Elmer Williams, 24, laborer, had confessed to the series of hatchet mur-

ders in Omaha. The man was arrested, according to Chief of Detectives C. G. Miles, after he engaged a newsboy to write letters for him, referring to the mystery murders of Mrs. Walter Resso and her sister, Greta Brown in Omaha and saying that Nebraska authorities, who were making "a bad mistake" by holding Jake Bird, another negro suspect, in connection with the hatchet killings.

Newsboy Told of Letter

Chief Miles said another newsboy told Patrolman "Red" Akers about the letters and Akers arrested Williams, who at once said that he had killed Mrs. Resso and Miss Brown with a hatchet. He refused to amplify this statement until police found out whether Omaha authorities wanted him.

A newspaper account of the Resso-Brown murders at Omaha, Nov. 18 was found in the negro's possession. Police said they would communicate with Omaha authorities to verify his story.

Officers said Williams told them he eluded the cordon of police and civilian posses thrown around Omaha after the slayings, and left the city Nov. 19, taking a passenger train to Denver. At Denver he bought overalls and a blue denim jacket, going outside the city to change the clothing he wore at the time of the murders.

"That's all I'll tell you now, until I know that the captain of detectives in Omaha wants me," Williams said.

Not Like Description

Williams is heavier and shorter than the man described by Mrs. Harold Stribling, Omaha, the latest victim of the negro's attacks, police said.

Later Williams said that after killing Mrs. Resso and Miss Brown, he threw the hatchet into a ditch near the scene of the murders. He added that he had been confined in the state insane asylum at Hastings, Neb., for criminal assault upon a woman but escaped about a year ago.

The police said they believed Williams insane but felt that he was "rational" enough to understand fully that his statement gravely incriminates him.

Williams was described as a light mulatto, 24 years of age, 5 feet 8 inches in height and weighing over 150 pounds.

ANOTHER NEGRO IDENTIFIED

OMAHA, Nov. 27.—(AP)—Jake Bird hatchet man suspect, was identified by Mrs. G. Harold Stribling, as the negro who a week ago attacked her and her husband with a hatchet. Bird was taken to Mrs. Stribling's room at the hospital today, for a second scrutiny.

Guards with sawed-off shotguns circulated through the crowd which collected near the hospital. Inside guards were stationed at each door and in the corridor.

Bird was taken before Mrs. Stribling in clothes which almost fitted her description of the "hacker" when she first saw him.

"You are the man and you know it," Mrs. Stribling told Bird. "It is a terrible thing you did to me, but I bear no animosity towards you. Tell the truth and you will feel better. You know I kept my word with you, Jake, I did not tell the detectives."

Police took her statement to mean Mrs Stribling purposely had given false descriptions of the hacker, her life having been spared on her promise not to give clues to his identity. Her descriptions of the hacker were at variance with Bird's actual appearance.

Bird replied he didn't remember any such conversation because he wasn't there.

Sheriff Charles McDonald, of Omaha, turned Bird over to Sheriff Percy Lainsen, of Council Bluffs, Ia., who removed him to an Iowa prison. The authorities declined to name the prison.

Mrs. Lilliendahl May Change Her Story

TRENTON, N. J., (ANP.) — Mrs. Margaret Lilliendahl, convicted last year of murdering her aged husband and now serving out a ten-year sentence for the crime, is reported to have indicated that she is prepared to divulge the truth in connection with the crime, in the hope that it will result in a pardon for her.

When the crime was committed, Mrs. Lilliendahl told police that her husband had been murdered by a Negro and kept to her story until evidence gathered by the police disclosed that fact that Mrs. Lilliendahl had had a clandestine love affair with Willis Beach, a poultryman, who was convicted with her for the murder.

WRIT OF ERROR AWARDED IN ALLEN CASE

N. A. A. C. P. Thinks Innocent Man Was Railroaded To Life Term

MURDER CASE CAUSED SENSATION IN VIRGINIA

Bloodhound's Followed Trail To White Man's House; Convict Colored

NEW YORK—The N. A. A. C. P. is contributing \$100 toward the legal expenses of a petition for a writ of error and superseedeas in the case of Thomas Nelson, of Albemarle Co., Virginia, sentenced to life imprisonment after conviction of murder on what is alleged to be grossly insufficient evidence and after improper remarks by the prosecuting attorney.

The writ was awarded last week. The petition filed for Nelson by McCue, attorneys of Charlottesville, Virginia, recites that on August 5, 1927, a white storekeeper, James H. Allen, was shot and killed at his store and about that same time a white woman was struck over the head with a blunt instrument about 100 yards distant, dying shortly thereafter. Bloodhounds brought to the scene followed a trail leading directly to the home of one Templeton, a white man.

The defendant, Thomas Nelson, was in the crowd that gathered at the scene of the crime the following morning. The petition recites:

"The only witness who testified that Nelson was near the crime at any time the night of the crime, was one Earle Nightingale, sixteen,

and a confessed perjurer. This boy was charged with the same crime; he was arrested twenty days after the crime on August the 25th and later he had a preliminary hearing. He was confined in jail and 23 days after being in jail and 43 days after the crime, he added for the first time Thomas Nelson's name to the story he had previously told, after which he was released from jail. He did not mention Nelson's name in Nelson's preliminary hearing."

It was also brought out that Nelson had visited, with his wife, his father-in-law's house the night of the crime, having been seen by a number of people on the way, also that Nelson and his wife had been seen watching the unloading of a circus at about the time the crime was supposed to have been committed. The state attempted to prove robbery as a motive for the crime, but the storekeeper's money was found untouched and no robbery was proven. It was furthermore testified that a stranger had been on the scene of the crime that night.

Despite a Virginia law permitting the defendant to refrain from testifying in his own behalf and prohibiting any comment on such a course of action, the prosecuting attorney made a slurring reference to Nelson's failure to testify in his own behalf. On this ground and because of the flimsy circumstantial evidence on which the colored man was convicted, reversal of the conviction is being asked in the Supreme Court of Appeals of Virginia.

Tuskegee Sports Star Held on Theft Charge

Robert Nelson, 21, 137 West 137th street, former three-sport athlete of Tuskegee Institute, faces General Sessions Court Friday. Charged with the larceny of clothing valued at \$137.50, the youth whose name was chorused by college sport fans from 1920 to 1923 is at liberty in \$1,000 bail.

Nelson, who was formerly employed by the T. J. T. Co. at 1000 Broadway, is accused by the company of taking a number of coats, vests and pairs of trousers and secreting them in his room. He denies the charge.

The youth starred at the Alabama Institute in basketball and football. In the later sport he was Coach Jimmy Gale's pride in the Boston Nelson forward pass combination. He was associate editor of the Campus Daily News in 1923 before leaving school in his senior year during the Tuskegee strike.

Lawless Policemen

THE AMSTERDAM NEWS has been criticized because of its determined stand against police brutality. It has been accused of playing to the crowd because it has objected to policemen who take the law into their own hands. But not only from Harlem, but from other parts of the city have come complaints of policemen's violence.

LAST WEEK A HOLLAND TUBE policeman was convicted of felonious assault and will be sentenced tomorrow to prison for beating a man and fracturing his jaw when arresting him for a minor traffic violation. Judge Mancuso, in charging the jury, said, among other things: "There seems to be an impression that a police officer may shoot and kill any offender who may not yield to his command to submit to arrest. This is an erroneous conception of the law."

LAST WEEK The Amsterdam News quoted from "Police Practice and Procedure" these words, which all policemen would do well to commit to memory: "The power to punish is vested in the judiciary. For instance, if you apprehend a murderer, you must not necessarily strike him. . . . If you do you are usurping the power of the judiciary."

IN OTHER WORDS, no policeman has the right to act as if he were the judge, jury and executioner. Too often, in Harlem and elsewhere, a policeman has arrested a man, tried him and punished him, all before he took him to the station house. The police are appointed to protect the public against lawlessness, not to commit it themselves.

FACE WITCHCRAFT MURDER CHARGE



John Blymer (left), professed witch doctor, and two youths, Wilber Hess, 18, and John Curry, 14 (right), are charged with the murder of Nelson D. Rehmyer, aged recluse farmer near York, Pa. Rehmyer was killed, according to statements by the defendants, during a struggle when they attempted to cut a lock of hair from his head to break a spell alleged to have been cast over Hess.

WITCH DOCTOR IS MURDERED

Superstition of Whites is Cause of Gruesome Slaying

NEW YORK, Dec. 6.—That the people of civilization are as prone to be superstitious as barbarians or savages was demonstrated here Friday when a "witch doctor" was slain at the hands of one of his own subjects. Witchcraft was responsible for the slaying of the sorcerer, Nelson D. Rehmyer, 59 years old, North Hopewell Township farmer. The confession was made by a 14-year-old youth, Wilbert G. Hess, one of three whites accused of the murder.

Hess said that Rehmyer was killed in a field while he and John Blymer and John Curry were trying to get a lock of the farmer's hair to bury eight feet under ground to break a spell which they believed had been cast over the family of Milton J. Hess, the boy's father.

According to the account as related by the police, Blymer, 32 who posed as a witch doctor, had informed young Hess that Rehmyer had cast a spell over members of the family.

Crime - 1928

Three Men Arrested by Police on Spot; Another Woman and Man Taken Later

Manager "Dude" Adams Blackjacked — White Patron Shot — Patrolmen Johnson and Mahoney Brave Under Fire

More exciting than a movie super-thriller was the attempted holdup and the actual shooting up of the Nest Club cabaret 169 West 133d street, about 5 o'clock last Wednesday morning, at which time Patrolmen John A. Johnson (of Brooklyn) and Eugene J. Mahoney, both of the West 135th street station, risked their lives to capture three of five of a dangerous band of alleged gangsters, including a woman, who recently came from Youngstown, O., to terrorize Harlem.

This crime quintette has been identified by two night club owners, two cab drivers and one speakeasy proprietor as the bandits that held up and robbed them recently, the police report.

Three shots were fired, one bullet felled Harris with a swift kick striking George Burns, 27, white, before he could fire. Patrolman Johnson dashed inside 128 East 124th street, a patron, and saw Bennett standing by the cash register terrorizing about 100 patrons with his weapon. Because of the crowd Johnson feared to fire and took a flying leap at Bennett and subdued him. Roberts in the meantime grappled with Davis and turned him over to the policemen. Brown and the Bennett woman had fled before the police arrived. Davis and Bennett threw their guns in the cloakroom.

Davis, Harris and Bennett were taken to the police station and the wounds they sustained while resisting the murder, stands sentenced to the electric chair. Leonoff from Harlem Hospital. That was speedy justice, and the Burns, whom the patrolmen found officers involved are to be commended. lying on the floor when they entered the Nest, was removed to the hospital. The prisoners turned in their former and Brown and the Bennett woman were later arrested at their home.

Nest's Second Shooting

On June 6 of last year Arthur Bryson, 24, popular Harlem dancer was shot in the Nest by Michael Cappola, 26, white, 329 East Tenth street, well known convict and East Side gangster, who was in the Nest in company with Dorothy Lavelle, 25, white, 23 East Fifty-sixth street. Bryson suffered a flesh wound in the leg but recovered.

Bryson later told a reporter that he settled with Cappola for \$3,000 cash though his attorney. If Bryson had appeared against Cappola it is probable that Cappola would

have received a life sentence as a fourth offender. Detective Webber of the West 135th street station was the arresting officer.

The Youngstown crime quintette was jailed Friday without bail to await the action of the Grand Jury when arraigned in Heights Court before Magistrate Vitale.



—Officer John A. Johnson —
STAR

MAY 16 1928

SPEEDY JUSTICE—FOR WHOM?

A New York negro the other day broke into an apartment and killed a woman. He was captured, rushed to trial, and now, 23 days after committing the murder, stands sentenced to the electric chair.

That was speedy justice, and the officers involved are to be commended. But it would be so much easier to get enthusiastic about it if it could happen, now and then, to a defendant who had money and social position. It's easy to speed up the trial of a penniless, friendless negro; but it's quite another thing to make speed when the accused is, say, a multi-millionaire oil man who is charged with bribing a cabinet officer.

We have not yet reached the point where the poor man gets the same consideration in court that the rich man gets. We still have two kinds of justice.

New York

STANDARD EXAMINER

OGDEN CITY, UTAH

MAY 16 1928

JUSTICE IS SPEEDY FOR THE POOR

A New York negro the other day broke into an apartment and killed a woman. He was captured, rushed to trial, and now, 23 days after committing the murder, stands sentenced to the electric chair.

That was speedy justice, and the officers involved are to be commended.

But it would be so much easier to get enthusiastic about it if it could happen, now and then, to a defendant who had money and social position. It's easy to speed up the trial of a penniless, friendless negro; but it's quite another thing to make speed when the accused is, say, a multi-millionaire oil man who is charged with bribing a cabinet officer.

We have not yet reached the point where the poor man gets the same consideration in court that the rich man gets. We still have two kinds of justice.

NEWS

MAY 16 1928

Speedy Justice—For Whom?

A NEW YORK negro the other day broke into an apartment and killed a woman. He was captured, rushed to trial, and now, 23 days after committing the murder, stands sentenced to the electric chair.

That was speedy justice, and the officers involved are to be commended.

But it would be so much easier to get enthusiastic about it if it could happen, now and then, to a defendant who had money and social position. It's easy to speed up the trial of a penniless, friendless negro; but it's quite another thing to make speed when the accused is, say, a multi-millionaire oil man who is charged with bribing a cabinet officer.

We have not yet reached the point where the poor man gets the same consideration in court that the rich man gets. We still have two kinds of justice.

NEWS

ST. PAUL, MINN.

MAY 17 1928

Two Kinds of Justice

A New York negro the other day broke into an apartment and killed a woman. He was captured, rushed to trial, and, 23 days after committing the murder, stands sentenced to the electric chair.

That was speedy justice, and the officers involved are to be commended.

But it would be so much easier to get enthusiastic about it if it could happen, now and then, to a defendant who had money and social position. It's easy to speed up the trial of a penniless, friendless negro; but it's quite another thing to make speed when the accused is, say, a multimillionaire oil man who is charged with bribing a cabinet officer.

We have not yet reached the point where the poor man gets the same consideration in court that the rich man gets. We still have two kinds of justice.

TRIBUNE

MAY 17 1928

Speedy Justice—For Whom?

A New York negro the other day broke into an apartment and killed a woman. He was captured, rushed to trial, and now, 23 days after committing the murder, stands sentenced to the electric chair.

That was speedy justice, and the officers involved are to be commended.

But it would be so much easier to get enthusiastic about it if it could happen, now and then, to a defendant who had money and social position. It's easy to speed up the trial of a penniless, friendless negro; but it's quite another thing to make speed when the accused is, say, a multi-millionaire oil man who is charged with bribing a cabinet officer.

We have not yet reached the point where the poor man gets the same consideration in court that the rich man gets. We still have two kinds of justice.

THE END OF CONVICT LEASING IN ALABAMA

THE LEASING OF HUMAN BEINGS—convict labor—to coal-mine owners and other private contractors has at last been brought to a close in Alabama, according to the Birmingham *Age-Herald*. "It required a long time for the conscience of the State to become aroused," admits this Alabama daily, "but the awakening finally came." The medieval cruelty and brutality of coal-mine bosses, explains the Asheville (N. C.) *Times*, aroused such a storm of protest that the State legislature, during the last session, repealed the convict-leasing law. On July 1 some seven hundred prisoners left the dust and grime of privately operated coal-mines, and were transferred to State farms and road-building camps. For many of these men, who have labored in the inky blackness of Alabama's coal-mines, says C. A. Taylor, in a Consolidated Press dispatch from Birmingham, "this will be the first opportunity they have had in years to work in the sunshine and outer air; they have been 'rented' to the mines, the income from their hire going into the State treasury." Continues this correspondent:

"This practice has entered into several political campaigns, and it produced one of the most famous murder trials in the State's history. In 1925, Robert Knox, a white convict, had been assigned to the Flat Top mine, a privately owned industry near Birmingham. One day he refused to work, and, according to the State's charges, he was dipped into a vat of boiling water as punishment."

"The man was scalded to death. Warden Davis, in charge of the convicts assigned to the mine, was arrested and charged with murder. At his trial the State alleged that the warden ordered the man dipped into the water, knowing that it was likely to cause death. The warden denied this, and the jury acquitted him. But before the verdict was returned, the iniquities of the convict-leasing system were exposed, and many accounts of alleged brutality were recited. As a result of the murder case determined workers began a campaign to end the system which culminated in the repeal of the convict-leasing law."

Some of the most outspoken editorial comment against convict leasing has come from Alabama papers themselves. But now, observes the Mobile *Register*:

"Flat Top and its horrors will no longer hurt the pride and sting the consciences of the men and women of this proud Commonwealth. Rich and powerful favorites at the State capital will no longer be permitted to coin profits out of the sweat and blood of unfortunate human beings."

"It is the happy end of a long, hard, bitter fight in the politics of Alabama. Reforms of magnitude and meaning are not easily accomplished, especially when these reforms involve the pecuniary interests of powerful business groups. It has been so in the fight for the abolition of the convict-leasing system in Alabama, and in other States where this infamous system of farming the State's penal charges had been approved. But all these States finally have abandoned the policy of leasing their convicts."

"Bibb Graves told the people of Alabama what he would do about this matter if elected Governor. He has kept faith. Thus the State enters upon a new and happier order in its method of dealing with its offenders."

It is hard enough, points out the Asheville *Times*, to find State and county superintendents and guards who can be trusted to treat prisoners fairly; "when they fall into the hands of representatives of competitive industries, convicts usually get far less humane treatment than the animals which they use in their labors." Moreover, maintains the Savannah *News*, "the convict-

leasing system is barbarous in practice and wrong in principle; a State has no business renting the bodies of its prisoners." In the opinion of a Northern paper, the Brooklyn *Eagle*:

"At its best, convict leasing has all the worst features of human slavery and none of slavery's redeeming features. The negro as an expensive unit in the service of a Southerner before the Civil War did get attention when sick, and was of money value enough to be worth saving. The leased convict, living or dying, doesn't worry the contractor, who can get more convicts at any time."

"There is no danger that the Alabama convicts will be pampered under the new system. They will work hard. They will not be fed on porterhouse. But in comparison with the hell of the past, they will have blessings that must be appreciated."

In the law to abolish convict leasing, the New York *World* sees "the beginning of the end of ignorance, bigotry, and cruelty in the South." And the Columbus *Ohio State Journal* is convinced that—

"The New York *World*, more than any other single factor, is responsible for the abolition of contract labor in the Alabama

prisons. For a dozen years it has continued to expose the iniquity of the system, has told the story of injustice and brutality."

Convict leasing is passing, agrees the Norfolk *Virginian-Pilot*:

"The decline of the convict-leasing system is significant of a changing public attitude toward prison-labor problems. Formerly labor was regarded as a part of the prison punishment. Prisoners were compelled to work, not because idleness was thought demoralizing, nor because instruction in some useful task was considered the first step in discipline and rehabilitation, but in retaliation for their offense."

"The convict-leasing system gave rise to the most abominable evils. The brutalities of the convict boss, the sufferings of the chain gang, the scandals of contract letting, the horrors and mutinies of the prison mine, and the practice of trumping up charges to keep victims imprisoned form black chapters in the history of American penology."

"The familiar evils of prison labor, represented at their worst by the convict-leasing system, have disappeared before public indignation. But a great problem of prison idleness remains."



P. & A. photograph

OUT OF THE MINES

Three of the seven hundred convicts leased to private Alabama coal-mining interests, and who were brought above ground on July 1, when the new law abolishing convict leasing went into effect. Some of the convicts, as they walked toward the train that was to convey them to State farms and road-building camps, sang "Swing Low, Sweet Chariot," and other songs.

STATE PRISONERS

There were 778 prisoners received at the North Carolina state prison during the year 1927. This was almost double the number received five years ago and nearly five times the number received ten years ago. There has been a steadily increasing ratio of white over colored offenders. The figures for 1912 and each fifth year since are as follows:

	White	Colored	Total
1912.....	73.....	112.....	185
1917.....	77.....	89.....	166
1922.....	209.....	188.....	397
1927.....	473.....	305.....	778

The average age of prisoners received in 1927 was 26.95 years. When it is taken into consideration that few are sentenced to state prison on a first offense it is apparent that crimes are being committed to a large extent by youths and young men. This suggests the importance of tactful and scientific treatment of juvenile delinquents. A little guidance given to an unadjusted boy may set him on the road to productive and honorable citizenship; neglect may result in a criminal career.

Jail More Whites Than

Negroes In Greensboro

Greensboro, S. C.—The monthly report forwarded to the State Board of Health at Raleigh by Jailer R. W. Dallas shows that during January there were 82 white men locked up in Guilford County as against only 37 Negroes. With three white and ten colored women to be included, the totals went to 85 whites and 47 Negroes.

On February 6, five white boys were held for the grand jury on charges of breaking, entering, larceny and stealing an automobile.

Does Lack of Education
Predispose To Crime?Shaw Student Makes a Special
Study of Prisoners at N. C.
State Penitentiary

The class in Sociology at Shaw University, under the direction of Dean W. S. Turner, is making rapid progress in its endeavor to deepen and broaden knowledge of the social problems which concern our

Serve Term For Crime
They Did Not Commit

(By The Associated Negro Press)

Kingston, N. C., March 12.—After serving five and a half years in prison for a crime which they did not commit, Frank and Fred Dove and George Williams were released from the state penitentiary here Thursday morning.

The three men, along with Will Hardison, were convicted in 1922 of murder in the first degree and sentenced to death. James A. Powers, prosecuting attorney, did not believe that the Dove Brothers and Williams were guilty and fifteen minutes before they were to go to their death, he rushed to leath row and accosted Hardison, urging him to tell the truth before he died. Hardison's testimony absolved the other three of any guilt.

The prosecuting attorney submitted the testimony to the judge and it went later to Governor Morrison who commuted the sentences to life imprisonment. Just why the men were not freed at that time is not known, but it is felt that the governor was not absolutely certain that Hardison had told the truth.

social, religious, and economic life. In view of this, a special study was made by the writer of the crime wave in North Carolina. It was found that the number has increased from 185 in 1912 to 778 in 1927. Of the 778 admissions to the State Prison, 466 were white men, and 279 colored. On the other hand, only seven white women were admitted over against twenty-six colored.

When one stops to think of the increase of crime, and the rapid progress of education, he or she may wonder what is wrong with our educational system. But when the

proper investigation is made of the whole matter, it is found that a large number of men who commit crimes and go to the penitentiary are not educated nor Christians in the true sense of the word.

This fact was proved by a questionnaire which was presented to the colored prisoners of the State Farm. Of the number examined, 65 per cent professed Christianity. The denominations represented are as follows: Baptist, 24; Methodist, 8; Congregational, 2; Disciples, 2; and Catholics, 1.

While 65 per cent gave in their names as Christians, a very small number registered as active church workers. As a result, only 30 per cent attended church while at home; 15 per cent, Sunday School; 5 per cent, the B. Y. P. U.; and only 3 per cent the Christian Endeavor.

It was also interesting to note that 75 per cent of the prisoners come from Christian homes. Many who were not identified with any church gave expressions relative to the essential need of a church in every community.

Another important fact which revealed itself in connection with the religious census of the colored prisoners was their educational status. Each individual gave the class or grade he completed while in school. It was found that not one had gone above the eighth grade. The average class was the fifth grade, and 14 per cent never attended school. Thus we can see from the educational standing of those who make the prison real that the education of the youth is proving to be an asset and not a destructive force.

G. W. THOMAS.

TRIBUNE

Concord, N. C.

JAN 21 1928

NOT HIS RESPONSIBILITY BY
RIGHT.

Governor McLean "reluctantly" has saved the life of Taylor, the little Gaston county negro sentenced to die for burglary. Some time ago the movement in behalf of Taylor was started and it gained enough momentum to include recommendations from the trial judge, solicitor, jurors and various Raleigh newspaper men.

The responsibility in this case should never have been placed with the Governor. Facts brought out since the trial could have been secured before the trial. The jury should not have found the negro guilty of burglary in the first degree unless the facts warranted his execution. The solicitor should not have demanded the full penalty of the law.

Several days ago we heard of a Superior Court judge who has this experience:

A youth was to be tried before him on a charge which, if he were found guilty, would mean his execution. The judge, knowing the habit of juries and solicitors and the public to change their minds after the trial and sentence, called the solicitor and prosecuting attorneys to his desk and said:

"Gentlemen, if this defendant is found guilty I will have to pronounce the death sentence. And if I do this, don't come to me with petitions because I will not sign them. Now is the time to decide whether this youth should be executed. I am not going to preside at a trial and then sign a petition of clemency for the prisoner. I will not put this responsibility upon the Governor of the State, since the court rightly should decide it."

What was done? The defendant entered a plea of murder in the second degree, the prosecuting attorney saying: "I don't think the boy is exactly right and I won't have his blood on my hands."

We doubt not that the defendant

would have been found guilty if the judge had not made his statement, and no doubt soon after the sentence was passed this attorney who "won't have his blood on my hands" would have started the petition for clemency. Too often the solicitor and prosecuting attorneys want to have the honor of securing a conviction without thinking of what they will do later.

MAY 1928

"I DON'T LIKE YOUR LOOKS."

JUL 8, 1928

I DIDN'T CATCH 'EM ALL.

In The Charleston News and Courier of May 7 appeared a news story from Kingstree. A white man in a Ford roadster was reported to have stopped at a filling station in Williamsburg county, remarked to a negro employe, "I don't like your looks," pulled out his gun, shot the negro and sped on his way. The negro died instantly.

More than a week has passed now since this story was carried in the Charleston paper but we have soon no further reference to it. The State offered a small reward for the arrest and conviction of the slayer, but there was no evidence that the Governor was particularly aroused. He did not send special deputies to investigate as he did last year when gasoline was sold on Sunday and a few persons played golf on Sunday afternoons.

If a negro can be shot down in cold blood merely because some white man "does not like his looks" without anybody paying a penalty for the crime, then conditions have reached a very dangerous and unhealthy stage.

It is as much the duty of a State to protect negroes as to protect white people, yet too often that is not done. Suppose, for instance, that the personnel in this case had been reversed. We all know that South Carolina would have been combed for the murderer, every constable available would have been put on the case and somebody would have paid for the crime.

The magistrate at Forest City reduced the number of drunken drivers by two, for some time to come, at least, but that the roads are yet full of them is indicated in the report made public of past activities by the State Highway Commission, in summary indictments for violations of various sections of the highway laws. During the past year as many as 775 drunken drivers were convicted by the courts, and a condition is developed that has been generally understood by automobile travelers. The majority of drunken drivers were white men—525 of these against 250 negroes. Circumstance of this kind is very much to the credit of the negroes on the highway. Nor is it probable that the negroes are in the majority of that class of offenders known as the "joy riders." Fourteen persons involved in automobile "accidents" were convicted of manslaughter, and it might possibly develop that some of the 775 convicted for drunkenness had a hand in these manslaughter cases. And that some of the more thoughtless still run by the school bus is manifest in five convictions on that score. At least 2,476 cases of violating the highway laws ended in State court convictions, but that is evidently a bagatelle to the number that escaped being haled to court at all.

WILMINGTON

NORTH CAROLINA

JUL 20 1928

SOMEWHAT BESIDE THE POINT

Our respected contemporary, in this morning's issue, carries a lengthy editorial in regard to the shooting by a County Traffic Officer Sunday afternoon of a negro prisoner. The article was headed "The Supreme Court and Shootings by Officers."

In the editorial an attempt was made to prove, by quotations from Supreme Court decisions, that an officer has no right to take the life of a prisoner attempting to escape when that prisoner stands charged with a misdemeanor only, an attempt directed against the statement made by County Solicitor McNorton that an officer has the right to use any force necessary to prevent the escape of a prisoner.

The first case cited in support of the contention, was that of Holladay against Moser, in which the father of a slain escaping convict, imprisoned for a misdemeanor, attempted to collect damages from the guard who did the shooting. A non-suit ordered entered in Forsyth court by Judge Oglesbby, was overruled in Supreme court.

This, however, has nothing to do with the case of officer Porter Davis. He is not a convict guard; his prisoner was not a convict. Whether or not it is a "ridiculous and absurd" situation is not the question.

Chief Justice Stacey, however, commenting on the case, according to this morning's editorial, made the following statement:

"By common law, an officer was permitted to use all force necessary to capture a felon, even to slaying him in flight. In the case of a misdemeanor, however, the rule was different. The officer could defend himself if necessary, even to the taking of life, but if the offender were simply fleeing and not resisting, he had no right to kill.

And in the case of State vs. Dunning, in which a policeman shot a man who resisted arrest with a knife, our contemporary quotes the following from the opinion of Justice Hoke of the supreme court:

"Where a person charged only with a misdemeanor flees from the officer to avoid arrest, the latter is not authorized to take life or shed blood in order to make the arrest."

But that is not all. Where the reprint from Justice Hoke's opinion ends with a period, there is, in the original, a comma, and the statement, according to the Carolina Reports, Book 177, page 562, continues thus:

"* * * * * "to make the arrest, but after a man has been placed under arrest, it is the officer's duty, whether a felony or a misdemeanor; to use what force is necessary to prevent his escape, even to the extent of taking his life, and the officers shall not be held criminally responsible."

Apparently our contemporary has missed the point somewhat. Officer Davis placed the negro under arrest approximately six miles out of town. Naturally he was still under arrest when the car reached town, where the try for freedom was made. And the statement of Justice Hoke, omitted, whether intentionally or not, declares it not only the right but the duty of the officer to prevent his prisoner's escape after the arrest has taken place, whether it be a felony or a misdemeanor.

The various opinions and cases cited by our

SENIORS AND CONVICTS

The state graduated 13,095 seniors from high schools in 1927, and released more than a third as many prisoners, 4,800, from convict camps.

Few of those who complete the high school course ever get a chain gang education, although the high school graduation is no insurance against it. A study was made of North Carolina chain gangs by Professors Jesse F. Steiner and Roy M. Brown, who found that among the 1,521 prisoners studied there were only seven prisoners, all white, who had finished high school, or had a knowledge of the English language equivalent to that of a high school graduate.

contemporary, with the exception of the one regarding the escaping convict, have every one to do with the attempt of a prisoner to escape before the arrest is made. Nothing is said in regard to the officer's rights after he has made the arrest.

Apparently our contemporary has missed the point. It is such statements and assertions as those made in its editorial columns of today that can be blamed in part, for the hesitancy of our officers to enforce the law, and for the crime wave which is sweeping America.

MAY 1928
"I DON'T LIKE YOUR LOOKS."

JUL 8, 1928

LET'S CATCH 'EM ALL.

In The Charleston News and Courier number of May 7 appeared a news story from time to come, at least, but that the roads are Kingstree. A white man in a Ford roadster was reported to have stopped at a public of past activities by the State Highway filling station in Williamsburg county, Commission, in summary indictments for violations of various sections of the highway laws. remarked to a negro employe, "I don't like your looks," pulled out his gun, shot the negro and sped on his way. The negro died instantly.

More than a week has passed now since this story was carried in the Charleston paper but we have soon no further reference to it. The State offered a small reward for the arrest and conviction of the slayer, but there was no evidence that the Governor was particularly aroused. He did not send special deputies to investigate as he did last year when gasoline was sold on Sunday and a few persons played golf on Sunday afternoons.

If a negro can be shot down in cold blood merely because some white man "does not like his looks" without anybody paying a penalty for the crime, then conditions have reached a very dangerous and unhealthy stage.

It is as much the duty of a State to protect negroes as to protect white people, yet too often that is not done. Suppose, for instance, that the personnel in this case had been reversed. We all know that South Carolina would have been combed for the murderer, every constable available would have been put on the case and somebody would have paid for the crime.

The magistrate at Forest City reduced the number of drunken drivers by two, for some of these against 250 negroes. Circumstance of this kind is very much to the credit of the negroes on the highway. Nor is it probable that the negroes are in the majority of that class of offenders known as the "joy riders." Fourteen persons involved in automobile "accidents" were convicted of manslaughter, and it might possibly develop that some of the 775 convicted for drunkenness had a hand in these manslaughter cases. And that some of the more thoughtless still run by the school bus is manifest in five convictions on that score. At least 2,476 cases of violating the highway laws ended in State court convictions, but that is evidently a bagatelle to the number that escaped being haled to court at all.

WILMINGTON

NORTH CAROLINA

JUL 20 1928

SOMEWHAT BESIDE THE POINT

Our respected contemporary, in this morning's issue, carries a lengthy editorial in regard to the shooting by a County Traffic Officer Sunday afternoon of a negro prisoner. The article was headed "The Supreme Court and Shootings by Officers."

In the editorial an attempt was made to prove, by quotations from Supreme Court decisions, that an officer has no right to take the life of a prisoner attempting to escape when that prisoner stands charged with a misdemeanor only, an attempt directed against the staten ent made by County Solicitor McNorton that an officer has the right to use any force necessary to prevent the escape of a prisoner.

The first case cited in support of the contention, was that of Holladay against Moser, in which the father of a slain escaping convict, imprisoned for a misdemeanor, attempted to collect damages from the guard who did the shooting. A non-suit ordered entered in Forsyth court by Judge Oglesby, was overruled in Supreme court.

This, however, has nothing to do with the case of officer Porter Davis. He is not a convict guard; his prisoner was not a convict. Whether or not it is a "ridiculous and absurd" situation is not the question.

Chief Justice Stacey, however, commenting on the case, according to this morning's editorial, made the following statement:

"By common law, an officer was permitted to use all force necessary to capture a felon, even to slaying him in flight. In the case of a misdemeanor, however, the rule was different. The officer could defend himself if necessary, even to the taking of life, but if the offender were simply fleeing and not resisting, he had no right to kill.

And in the case of State vs. Dunning, in which a policeman shot a man who resisted arrest with a knife, our contemporary quotes the following from the opinion of Justice Hoke of the supreme court:

"Where a person charged only with a misdemeanor flees from the officer to avoid arrest, the latter is not authorized to take life or shed blood in order to make the arrest."

But that is not all. Where the reprint from Justice Hoke's opinion ends with a period, there is, in the original, a comma, and the statement, according to the Carolina Reports, Book 177, page 562, continues thus:

"* * * * * to make the arrest, but after a man has been placed under arrest, it is the officer's duty, whether a felony or a misdemeanor, to use what force is necessary to prevent his escape, even to the extent of taking his life, and the officers shall not be held criminally responsible."

Apparently our contemporary has missed the point somewhat. Officer Davis placed the negro under arrest approximately six miles out of town. Naturally he was still under arrest when the car reached town, where the try for freedom was made. And the statement of Justice Hoke, omitted, whether intentionally or not, declares it not only the right but the duty of the officer to prevent his prisoner's escape after the arrest has taken place, whether it be a felony or a misdemeanor.

The various opinions and cases cited by our

SENIORS AND CONVICTS

The state graduated 13,095 seniors from high schools in 1927, and released more than 4,800 from convict camps.

Few of those who complete the high school course ever get a civilian gang education, although the high school graduation is no insurance against it. A study was made of North Carolina chain gangs by Professors Jesse F. Steiner and Roy M. Brown, who found that among the 1,521 prisoners studied there were only seven prisoners, all white, who had finished high school, or had a knowledge of the English language equivalent to that of a high school graduate.

contemporary, with the exception of the one regarding the escaping convict, have every one to do with the attempt of a prisoner to escape before the arrest is made. Nothing is said in regard to the officer's rights after he has made the arrest.

Apparently our contemporary has missed the point. It is such statements and assertions as those made in its editorial columns of today that can be blamed in part, for the hesitancy of our officers to enforce the law, and for the crime wave which is sweeping America.

Crime-1928

VOODOO DOCTOR" BEHEADS

**Police Believe Victim Was
Slain in Ghastly Rites.
Find Head Concealed in
Cupboard**

CLEVELAND, Ohio, Dec. 28.—Doss Wade, aged 37, alleged voodoo doctor was held in jail while detectives sought to learn the identity of a decapitated man they said Wade confessed slaying.

They were satisfied Wade's confession was truthful, but they could advance no motive other than some ghastly rite for the slaying. They were unable to identify the victim. After giving them two false stories of who the dead man was, Wade refused further information.

The suspect has a bullet wound in each leg received when he tried to escape from detectives. In the same house they found the decapitated body in the basement and the head upstairs hidden in a cupboard.

Wade told them. Officers said, he beat the man to death with a gas pipe after robbing him of \$35 and a watch and then cut off the head. The suspect said the killing occurred the afternoon of Dec. 12. He at first said the victim was Nemo Gibbs and then later William Gibbs, a brother but both men were found unharmed.

OKLAHOMA CY., OKLA.

OCT 10 1928

Negroes Guard White Woman

Take Mary Atkinson to Court;
Practice Ordered Stopped.

Ben Dancy, sheriff, has ordered county jailers not to release any more white prisoners to his negro deputies, it was learned Wednesday.

Dancy's orders resulted from two deputies, William Washington and "Doc" Williams, negroes, taking Mary Atkinson, nurse, 27 years old, white, to the court of George H. Giddings jr., justice of peace, for arraignment on a forgery charge.

Along with Miss Atkinson and the two negro deputies were four negro prisoners, Dancy learned.

"I didn't know anything about it until the next day," Dancy said Wednesday. "I called in John Stubblefield, the jailer, to ask him about the case."

"He said the deputies presented an order from Giddings for the prisoners. He said he would not have placed Miss Atkinson in the negroes' custody if he had known there were no white deputies in the party. He said he believed a white deputy was waiting outside jail door."

TIMES

OKLAHOMA CITY, OKLA.

OCT 24 1928

Negro, White Jail Wards To Be Separated

Money for Partition Included
In Budget for 1928-29,
Available Soon.

Segregation of negro and white women in the county jail will be effected as soon as 1928-29 funds are available, within a short time.

This was the answer made Wednesday

by Ben Dancy, sheriff, and Ed Sheldon, chairman of the board of commissioners, to the request of Mrs. Mabel Bassett, state commissioner of charities and corrections, for enforcement of the "Jim Crow" law inside the jail.

Both officials were joined by J. K. Wright, county attorney, in voicing an appeal for a new jail.

"I've been trying to get a partition in the women's ward for the last two years, and Mrs. Bassett knows it," Dancy said.

"I have requested it time and again from the county commissioners. They are in charge of the jail as one of the county buildings, and the matter of improvement is up to them, for they handle the county's money."

Estimates Already Submitted

"We thought we'd get a partition in last July, but the 1927-28 funds ran out before the allowance was made. I've already got estimates for the work and they have been submitted to the board. The allowance has been included in the new budget and the funds should be available after Saturday, at the end of the 40-day protest period."

Dancy estimates cost of the improvement at less than \$500. He said he plans to build a partition through the ward, which is located in the basement of the building, and install another bathtub and additional conveniences.

Dancy denied that white and negro women sleep together.

"The jail's inadequate. There's no question about that," he said, "but we do all we can to keep order among the prisoners."

"It's clean, too—cleaner than I've seen it under lots of administrations. But anyone who has been around the jail or the courthouse knows that we need a new jail. This old one was built in 1904. The increase in population since then is common knowledge."

"But it won't do for an official to talk about a bond issue for improvements. Such movements must start with the people themselves. That's why I have worked for a bond issue to build a new jail before now."

Shelden Urges New Jail

Shelden said the county commissioners are ready to start work on jail repairs as soon as county funds are released from protest.

"What the county really needs, though, is a new jail," he agreed. "One suggestion that I favor is a new courthouse with a modern jail on the top floor. Another plan is for a court building and jail just south of the present courthouse."

"The county has a good location for a courthouse, but if it ever decides to build elsewhere, this land will revert to the original owners."

Wright pointed out that every recent grand jury report has suggested a new jail.

"Personally, I have no control over county prisoners. Such control is

vested in the sheriff," he said. "But I don't believe blame for the present condition can be placed on Dancy."

"The county has needed a new jail for a long time, but county officials have been hesitant to start such a move for fear of criticism."

Payne County Protest

Prisoners in the Payne county jail at Stillwater are being "starved" and whites and negroes are not segregated.

Mrs. D. J. Shelley, assistant commissioner of charities and corrections, charged in a report to Mrs. Bassett.

Information obtained by her will be turned over to Attorney General Edwin Dabney, said Mrs. Shelley, with the request that he take official action to relieve the alleged situation. "From affidavits obtained it seems that the men are given two spoonfuls of breakfast food in the morning, a few beans every day in the year for lunch and boiled potatoes in the evening," Mrs. Shelley said.

MAR 9 1928

POLICE RECORDS PROVE INTERESTING

Although no figures are available for all the arrests made in Pennsylvania those recorded by the Pennsylvania State Police indicate that while but 15 percent of the Commonwealth's population are aliens, they commit 38 percent of the crimes. Less than one percent of those arrested were Negroes.

A detailed study of the 10,874 arrests made during the past year showed that 8950 were first offenders, 176 had been arrested previously and 1748 were listed as habitual offenders.

PROTECTING OUR CRIMINALS

THE news of the recent near-riot in Harlem, the Afro-american metropolis, when 2,500 Negroes attempted to take a prisoner from a policeman, thus forcing the police department to send out reserves and a machine gun, brings up again the old charge that Negroes protect their criminals and will not assist the police in tracking them down. There is, it must be admitted, sufficient truth in the charge to make its refutation somewhat difficult. It cannot be denied that there is a considerable amount of sympathy among Negroes for the Negro offender and frequent efforts are made to assist him when being pursued by the officers of the law. It is probable that this is due, first, to the fact that the great bulk of Negroes are poor people, and since the great bulk of the criminals come from this class, the poor in every country and at all times have been sympathetic toward them. Secondly, the police in the United States, being overwhelmingly white men, have to a large extent been the instruments through which society has attempted to perpetuate the color caste system. They have beaten, buffeted, "framed" and "railroaded" the black man to jail with great zeal; have, in brief, been largely Ku Klux Klansmen in blue uniforms toward the Negro. Even the most law-abiding Negro in the United States knows that there is a different attitude on the part of the police and the courts towards the black offender than there is toward the white. That large numbers of Negroes are not sympathetic toward or willing to assist criminals, does not alter the charge nor the facts in the case, particularly when the offense is committed against whites.

The reason is to be found in the attitude of the police and courts toward Negroes, and the remedy is to be found in training police, district attorneys, judges and juries to ignore the color of the criminal and concern themselves merely with the crime committed. Assure Negroes that they will always get at least the same reception from enforcers of the law as white offenders, and the urge to assist criminals will be no stronger among blacks than among whites. There is nothing inherent about criminality; it is wholly environmental. Crime has been defined as "a failure or refusal to live up to the standard of conduct deemed binding by the rest of the community," thus it is very largely a matter of geography and of economic and social status. It is much easier to keep out of the toils of the law if one has wealth and influence, than it is when one is poor and without prominent friends. What is a crime among the proletariat is often a mere business transaction among the bourgeoisie. If then, things being what they are, there exists a tendency to protect criminals, part of the blame must be placed

Voodoo 'Doctor' Questioned About Death Of Young Girl By Witchcraft

YORK, PA., Dec. 1.—(P)—With two slayings in York County within recent years definitely attributed to witchcraft, authorities today bent their efforts toward linking the death of a third probable victim, a 16-year-old girl, to the weird practices of the cult.

A voodoo "doctor", John Blymyer, reputed leader of the trio which clabbed to death and burned Nelson D. Rehmyer, the latest victim, in a farm house near here Tuesday night, was questioned by police for hours today in connection with the death more than a year ago of the girl, Gertrude Rudy, of this city.

Her body was found hacked to pieces along the railroad tracks near the city. She had been shot first and then her body was cut up, the police said. No motive ever was established for the crime but witchcraft was suspected, and it was learned that she had tried the "pow wow" treatment.

After several hours of questioning, detectives declared Blymyer said he knew the Rudy girl and had attended her funeral.

BROOKLYN EAGLE

DEC 9 1928

Pennsylvania Murder Shows Revival Of Voodooism, Crude Witchcraft That Originated in African Jungle Tribes Brought to America by Negro Slaves in Colonial Days.

Practiced With Weird Rites Among Ignorant of West Indies Despite Attempt of Spain and, Later, United States Soldiers to Stamp It Out.

and just now real the advance has been.

Voodooism appears to be a late lingering version of the earlier practices of witchcraft—perhaps, more accurately, a revival of witchcraft beliefs and practices in a new form.

To Overcome "Spell." Rehmyer was killed brutally and in cold blood so that his slayers could overcome a "spell" he had laid on them. Two of them, a young man of 32 and a boy 15, after confessing to the District Attorney, are reported to be "glad" that they did it. Naively enough, they explained that only a lock of Rehmyer's hair could lift the "spell" and they had to kill him to get the lock.

It seems difficult to believe that in the State founded by the civilized William Penn, centuries after the founding, such malevolent and primi-

five creeds should still obtain. But if neurotic minds responding to the suggestion of their accusers.

And not only there but elsewhere.

Voodooism seems to have come to the American continent from Africa by way of the West Indies. It obtained a first solid hold among the Negroes of Haiti and Cuba, where it was developed into a cult with weird and orgiastic ceremonials and spread from there to the mainland, first among the uncultured Negroes, later among the ignorant whites as well.

Dates Back to Earliest Times.

Witchcraft itself, in one form or another, dates back to the dim beginnings of history, to a time which the oldest social memory of man knoweth not to the contrary. The Old Testament speaks of witches and familiar spirits as if there could be no doubt of their existence and expressly provides that a witch should not be permitted to live.

Down through the ages since the conception of witchcraft has changed and developed. A tangle of beliefs in magic, in animistic demons, of church bans against witchcraft as heresy—all this resulted by the Middle Ages in a popular conception of witchcraft that was widespread and almost universal. It led also to official prosecutions by Church and State, to grotesque "tests" of suspected witches such as the classical one by drowning. This gave the poor old woman who was the victim of the witchcraft hunt just about an even chance: if she floated, that was proof that a devil helped her and she was a witch, but if she drowned, why, then everything was all right. Her reputation was cleared. For hundreds of years it seems, somehow, never to have occurred to any one in authority that she might have preferred to remain alive despite a smirched reputation.

Witch Burning.

There was torturing, drowning, burning at the stake. The conservative Encyclopedia Britannica estimates a minimum of 100,000 and a maximum running into the millions—that many puzzled and harried and persecuted beings sent to their deaths for the crime of "witchcraft." In Spain as late as 1781 a "witch" was burned alive by the Inquisition and a girl "witch" was sentenced to decapitation by the secular courts the following year. Germany was still executing "witches" in 1793 and in Peru a "witch" was burned to death in 1883—40 years ago.

Nor, of course, can we of the land of Salem throw the first stone at any witch-hunters.

In time governments (and churches) became civilized and official executions lapsed and ceased altogether. A growing tolerance for other people's beliefs helped in this and a lessening fear of what could be done by magic and the help of devils. Then, too, men have learned things about the human mind which had not been suspected. They learned about self-hypnotism and the power of suggestion. Vast volumes of "confessions" made by accused "witches" were thus reduced to the level of the sick meanderings of ter-

Voodooism Originated in Africa.

But the spread of the new knowledge and the gentler tolerance has by no means been universal.

The voodoo killings, this latest one in Pennsylvania and others before, prove that.

Voodooism seems to have crossed the Atlantic from Africa with the first shipload of Negro slaves brought to Cuba. That was in 1571. It grew, became highly organized, split up into subordinate organizations based on the tribal associations of the Negro slaves.

As late as 1913 traces of the savage rites of the Carabalís, Araras, Congoes, Tuscuas and Mandangas were to be found. Voodooists are still sometimes called Nanagoes. Although discouraged by the Spanish rulers, the cult flourished stealthily, with its secret rites, with bonfires lighted in the depths of the forests, strange dances and sacrifices of human beings. The tribal differences were wiped out and the smaller tribal bodies merged into one.

Voodooism became something of a religion and officials as well as private persons, whites as well as blacks, were "converted" to it. Hundreds were assassinated and "sacrificed" in the name of the god Voodoo.

Suppressed by Spaniards.

The Spanish authorities took stern measures to suppress the cult and used cruelty to war on cruelty. Voodoo and its chiefs were garroted, Voodooists deported. Under the surface the thing went on.

A royal decree was issued against Voodooism in 1875 and again in 1895. Then, after the Spanish-American War of 1898, the American soldiers invaded the country and with contemptuous lack of fear of the Voodoo power broke up secret and sacred meetings and made things rather unpleasant for the believers.

It seemed after this that Voodooism was dead. But it had only been an underground, and in 1913 and again in 1919 there were fresh outbreaks which showed it had not been completely conquered.

And frequently there come evidences that the Voodoo beliefs and practices, whatever they are, have also been taken up within the boundaries of the United States.

Such beliefs and practices are, very largely, changed from their original savage glory by the time they reach the ignorant whites of the land or the free. Possibly nothing remains but a "Voodoo doctor" and a grotesque confidence in the diabolic power of some such amulet as the Pennsylvania man's lock of hair.

But in its pristine purity, Voodooism offers its members more than that. There is, of course, the lure which all secret and forbidden societies have for certain simple minds, particularly if a striking costume goes along with the membership.

The Voodooists, at their ceremonial meetings, wore barbarous costumes carried on from the African days. They danced to weird tom-tom music.

Rooster Is Initiation Fee.

The organization was based on the

unit of the "famba," consisting of 16 members presided over by a "diablo jefe," or a chief devil or godfather. New members, when they applied for membership, were required to pay a live rooster as their initiation fee.

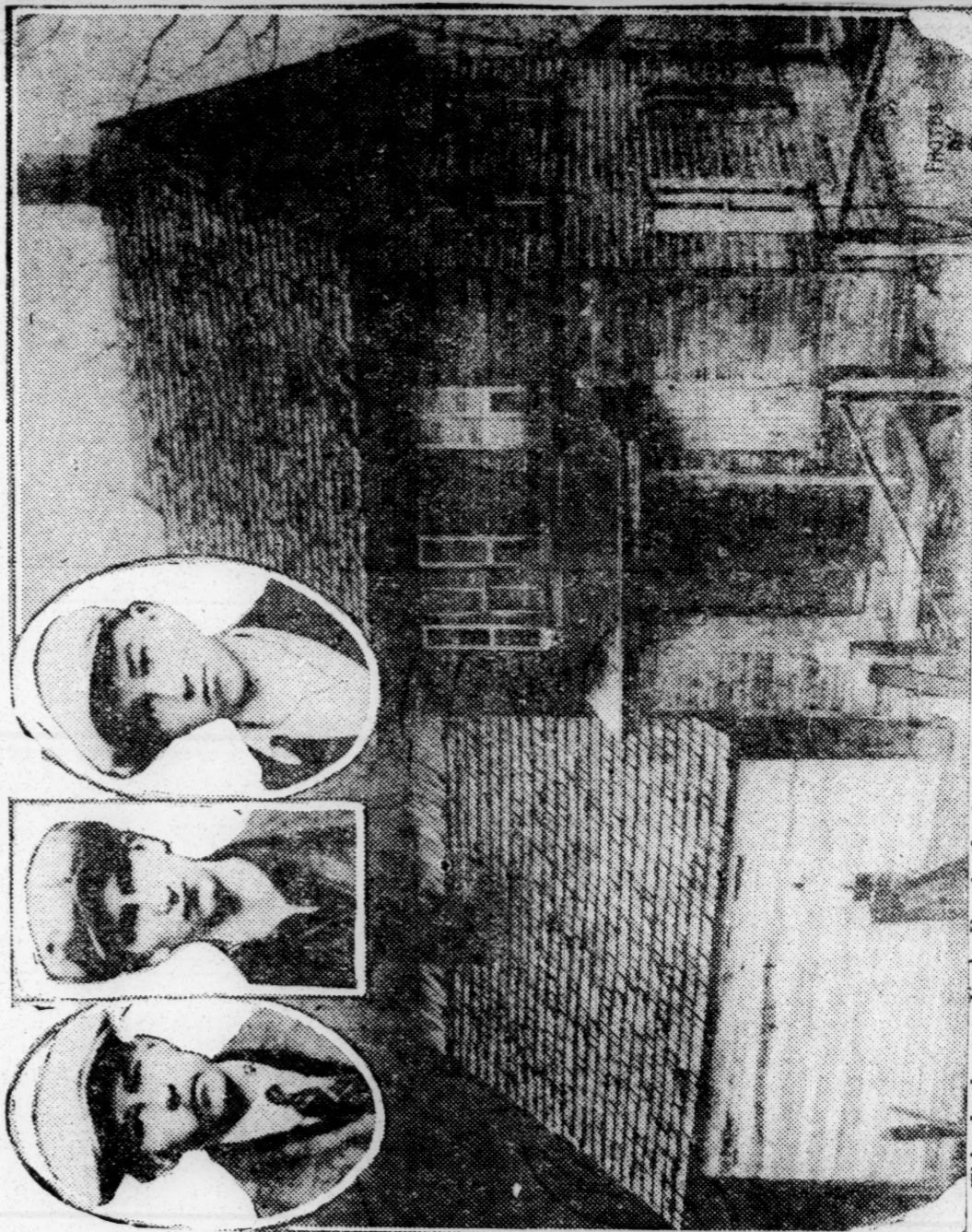
The membership initiation ceremonies formed, as in so many other secret societies, the emotional high-spot of the cult. An improvised temple was set up with an altar and a crucifix. The candidates, men and women, were then stripped nude, sprinkled with blood and then wiped clean—well, partly clean—with the sacrificial rooster playing the role of towel.

As this went on, the whole famba chanted certain moaning tribal songs to the accompaniment of Nanego music.

The poor innocent rooster, despite the toweling, was not yet through. An attendant seized him by the head and swung the puzzled and unfortunate bird four times, toward the four corners of the world. Then out he was thrown, while the Nanego tom-tom went on, and a woman musician, completely nude except for a belt of beads, danced a muscle-shaking dance and blew into a primitive instrument consisting of a hollowed-out ceiba pipe.

Then there were burials, in many respects like the gorgeous Negro funerals in the Southern States. Here again there is the Nanego music which starts the night before the funeral. The corpse is borne to the burial ground on the shoulders of the pallbearers, surrounded by dancing chanting Voodooists, while the "diablo jefe" leads the procession, proud in his full regalia.

Witch Murder Linked to Kobbery



This shack near York, Pa., is the home of Nelson D. Rehmeier, a hermit farmer, where he was slain by John Blymire (inset one), Wilbert Hessel (inset two) and John Curry (inset three). The men claimed they killed the farmer trying to get a lock of his hair to end a "hoo-doo" spell.

live creeds should still obtain. But if the suggestion of their accusers.

Voodooism Originated in Africa.

And not only there but elsewhere. But the spread of the new knowledge has live rooster as their initiation fee.

Voodooism seems to have come to the American continent from Africa by way of the West Indies. It is by no means universal. The latest news formed, as in so many other

by way of the West Indies. The voodoo killings, this latest news formed, as in so many other

later among the ignorant whites as to Cuba. That was in 1871. It grew, sprinkled with blood and then wiped

well. became highly organized, split up clean—well, partly clean—with the

As this went on, the whole fable

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witchcraft itself, in one form or on the tribal associations of the fowl.

Witch Murder Linked to Robbery



This shack near York, Pa., is the home of Nelson D. Rehmyer, a hermit farmer, where he was slain by John Blymire (inset one), Wilbert Hesse (inset two) and John Curry (inset three). The men claimed they killed the farmer trying to get a lock of his hair to end a "hoodoo" spell.

Crime-1928

Pennsylvania

Chronicle-Telegraph
PITTSBURGH, PA.

JUL 18 1928

All Honor to Negroes Who Protest on Vice

Negroes, at a mass meeting, held to protest against vice conditions which have resulted in the killing of two members of their race recently, stressed the importance of Negroes "helping themselves" rather than depending upon other agencies. The meeting was attended by about 200 citizens, including clergymen, doctors and lawyers.

It is a commendable spirit of citizenship that is evident in a body willing to help itself. That is the end and aim of citizenship. In no way can our Negro friends and neighbors help themselves better than by calling public attention to the vicious conditions of which they complain. These are good people—the evildoers do not hold meetings of this kind. Their protest is backed by the laudable purpose of a better community for all as well as for themselves, and it should receive the attention its importance warrants.

It was voted to co-operate with the Afro-American Brotherhood of the World, the aims of which were stated to be the "civic, economic and intellectual betterment of the Negro people, that we may live in peace in a clean and wholesome community." If that isn't a most worthy declaration of high American aspirations, how would you go about to better it?

TOO MANY MURDERS IN COLUMBIA.

The Criminal Court for Richland County is now in session. Before it, are seven indictments of colored people for murder, of these, one is a woman indicted and four of the victims are women. Four of the murders were done by stabbing or cutting. Such a number of murderers to be tried at one session of Court reveals a condition that ought challenge the attention of all good citizens—white and black. This fearful state of affairs, we believe, is brought about because of leniency on the part of the white people, who have the punishment of crimes in their hands. They, for some reason, and judging by the manner in which Negro killers have been dealt with in the past, do not take very seriously the murdering of a Negro by a Negro. There have been in the past few years over a dozen such killings—some as brutal and heartless as ever occurred anywhere—and yet, not a murderer has been sent to the electric chair, nor even given life imprisonment. As a rule, the sentences have been less severe than if one had been convicted of forgery, larceny and the like.

It is now a common threat among a certain class of Negroes that, "I'll kill you and serve three or four years for you." Life cannot be safe under such circumstances; life is not safe, particularly among a certain class, in Columbia today. A Negro's life is just as sweet and precious to him as the life of anyone else's, and the State is under a solemn duty to protect the lives of all. Columbia with all of its schools, churches and other agencies of a fine existence cannot be the most desirable place in which to live and rear a family, if one's life is apt to be snuffed out at any time—and it makes no difference if it is a Negro's life. Of the seven murders, five occurred in Columbia. Is white Columbia proud of this record, or does it care? If so, what is going to be done about it? The time certainly has come when convicted killers ought be made to suffer, instead of playing with them.

SOUTH CAROLINA CITIZENS FIGHT TO SAVE YOUTHS FROM CHAIR

COLUMBIA, S. C., (ANP). Efforts are being made here to secure another hearing for John Pinkney, a sixteen year-old youth and Sam Tolbert, age 22, who were convicted along with John Brown and George Palmer, of first degree murder and sentenced to die in the electric chair January 14, 1929. Their declarations were substantiated by Brown and Palmer, who pointed out that the other men had nothing to do with the murder. "We did the killing," said Brown. "Pinkney and Tolbert were not present. I told the lawyer that but he would not believe me." Tolbert asserted that all of them had been severely beaten by the officers who secured the confession. Rev. Youngblood is soliciting funds to help the men, who have professed their innocence and is also seeking the aid of the National Association for the Advancement of Colored People.

The movement to help the convicted youths followed in the wake of an interview held with them by Rev. B. S. Youngblood and Rev. Bage M. Beverly. The ministers reported that when they visited the prison and the prisoners, Pinkney and Tolbert declared to them that they had not received a fair trial and that they

South Carolina Journal
Saturday, November 24, 1928

A GOOD EXAMPLE

A Columbia news story relates the remarkable exhibition of self-control and even temper of a penitentiary guard having in charge a squad of Negro convicts working in and about the state capitol grounds. In the group of Negroes was one who was lazy, idle and stubborn, and the guard had to keep right in behind him most of the time. This naturally infuriated the Negro, who according to the dispatch, began cursing the officer vilely and excessively, and then cursed out the entire state officials. In an effort to bring the prisoner to reason the guard pointed his gun at him, whereupon the Negro shouted: "Shoot, d— you, shoot." The officer did not fire, of course, but sent for other officers and they conveyed this obstreperous prisoner back to the penitentiary, where he is being given straight punishment for just such offense. And this punishment is not strapping or lashing, but solitary confinement. He will be kept isolated and put on a bread and water diet until he regains some semblance of commonsense and reason.

That is a far better and more humane way to treat a prisoner, white or black, than by overpowering him and lashing the blood out of his body, however extreme the provocation. The example of this Columbia penitentiary guard might be given attention by some of the county sheriffs—at least one of whom avowed to the grand jury of his county that he "strapped the feathers" off of a white, unarmed defenseless prisoner, who merely verbally threatened to kill him.

Crime—1928

2 NEGROES CONFESS SLAYING MOTORMAN

Robert Calvery Was Slain in
Robbery Dec. 22.

KILLER GOT 75 CENTS

Negroes Break Down After Grill-
ing by Sheriff Knight—Father
of Negro Sought Threatened
Deputy's Life—Is Arrested.

The life of Robert H. Calvery, 35,
street car operator, was worth 75
cents to the negro who killed him
as he was completing his last run
of the night before going to the
home on Echols Street, in Normal,
where a Christmas celebration his
young wife had planned, awaited him.

Calvery was killed Dec. 22. Yes-
terday Clarence Reese, negro, alias
"Snow," alias "Smoky," an escaped
prisoner from the county work-
house, confessed to Sheriff Will S.
Knight that he fired the shot that
snuffed Calvery's life out.

Implicated in his confession was
Jesse Johnson, negro, who has been
held in the county jail for ten days.
Johnson, who also has a police re-
cord, confessed that he was a look-
out. A third negro, said also to be
a look out, is being sought today by
sheriff's deputies.

Warrants charging the negroes
with murder and highway robbery
were sworn to by Sheriff Will
Knight before Squire John M.
Maher.

Officers Threatened.

Bess Fields, negro, father of
Booker T. Fields, who is being
sought, has been arrested on
charges of accessory to the fact
after the murder, carrying a pis-
tol, assault to murder, resisting
an officer and threatened breach
of the peace.

When Deputies Bob Surrency,
John Sailors, M. W. Palmer, John
Friddle and L. J. Davis, walked in-
to the home of the negro in Bing-
hamton, he became infuriated at
the officers.

The negro rushed to his bed.
Sheriff Knight said, pulled out a .45
calibre pistol and stuck it in Sur-

rency's abdomen. When he did,
Surrency wrested the pistol from
the negro's hand, and in the scuf-
fle Friddle hit the negro over the
head with his pistol, flooring him.

Reese in his confession said he
fired the shot that killed Calvery.

"One of the two lookouts, as I
was boarding the car shoved me
and when he did, I pulled the trig-
ger. The motorman fell to the
floor," Reese confessed. The pas-
senger of the car, referring to
Thomas Chapman, 20, 1255 Tut-
tler Avenue, shouted "Look out."

"Mr. Calvery fell against the con-
trol box, with a bullet through his
left eye.

Received 75 Cents.

"While he lay helpless, I rifled
his pockets of about \$3 and took
the fare box, and fled with my two
companions across a field.

"When we went to divide the
money, I received 75 cents for my
share. My intentions were not to
kill him, but rob him. We planned
the robbery at a craps game. I
am known as a gambler.

"I was right on him when I
fired the shot. I immediately
caught a train for Mounds, Ill., and
from there to Kankakee and Chica-
go. I got back to Memphis Sat-
urday," the negro concluded.

The fare box was recovered by
Deputies Surrency and Palmer four
days after the shooting. Johnson
has been in custody for the last 10
days. He confessed his part in the
crime.

Reese was sentenced to serve
11 months and 29 days in the work-
house for carrying a pistol. It was
at the workhouse where Reese and
Johnson met. He escaped on Dec.
12. His term would have expired
the latter part of this month.

The investigation was personally
conducted by Sheriff Knight, who
night for the proposed Howe-Roger
Williams College.

Rev. R. B. Roberts and Rev. B. J.
Perkins were in charge of the re-
ceipts and as they drove up in front
of Rev. Perkins' home were held up
by three men. In addition to the
receipts the bandits took jewelry and
cash from Mrs. Roberts and a wom-
an companion amounting to \$750.

"Justifiable Homicide."

The homicide bureau of the po-
lice department made itself ridicu-
lous Wednesday night, when it re-
turned a verdict of "justifiable
homicide," following an investiga-
tion into the killing of a young
man by an officer.

The facts in the case are as fol-
lows: The driver of an automobile
ran his car into another car on a
downtown street. The offending
driver did not stop, as he should

Saunders Held Without Bond

"I'm going to send Henry
Clay Saunders to jail without
bond. The numerous killings
that are being staged by Ne-
groes have reached the place
where the court must employ
drastic action with a view of
protecting the law abiding
citizenship."

"From the large number
of cases that have come be-
fore me recently it is plainly
shown that the criminal ele-
ment gets hold of a jar of
boot-leg liquor, a pistol or a
switch-back knife, and any
person's life is in jeopardy."

Such were the words of Judge
R. P. Williams, of the city court,
on Tuesday afternoon, following
the hearing of evidence in the
case of Henry Clay Saunders, be-
fore him on a charge of killing
Mrs. LaFreita Fine Powell, 18-
year old colored girl.
Saunders will remain in the
county jail until his case is called
before the criminal court for
trial.

Offer \$1,000 For
Memphis Bandits

MEMPHIS, Tenn., 4/17/28 The
Negro Baptists Ministers Associa-
tion has offered a reward of \$1,000
for the arrest and conviction of three
bandits who at midnight Tuesday
relieved two of Memphis' leading
ministers of over \$1,000 in cash, rep-
resenting the proceeds of a benefit
performance given earlier in the
night for the proposed Howe-Roger
Williams College.

Rev. R. B. Roberts and Rev. B. J.
Perkins were in charge of the re-
ceipts and as they drove up in front
of Rev. Perkins' home were held up
by three men. In addition to the
receipts the bandits took jewelry and
cash from Mrs. Roberts and a wom-
an companion amounting to \$750.

"Justifiable Homicide."

The facts in the case are as fol-
lows: The driver of an automobile
ran his car into another car on a
downtown street. The offending
driver did not stop, as he should

have done. A motorcycle officer
witnessed the collision and gave such an obvious attempt to apply
chase to the fleeing driver, as he the whitewash that the efficacy of
should have done. The man whose the bureau itself is brought into
car was struck joined in the pur-
sue.

When the fugitive was over-
taken, a number of automobile
tires were found in his car. The
officer suspected they were stolen
and placed the driver under ar-
rest. The latter did not resist, but
attempted to escape by running
away.

The officer drew his pistol and
fired. The fleeing man dropped
and within a few minutes was
dead. The officer says that he did
not intend to kill the man, but he
did. He says he fired at the
youth's feet, but the bullet struck
the pavement, ricocheted and
pierced the victim's body, inflicting
a fatal wound.

Accepting as a statement of fact
all the officer says, it is absurd to
list the killing as justifiable homi-
cide. It might, in a way, have
been unintentional, but not even
the officer's version of the tragedy
justifies his reckless act.

Probably the officer intended
only to frighten the man. Then he
should have fired into the air, if
he was to fire at all. He used his
gun recklessly, and a suspect paid
with his life for the officer's reck-
lessness.

The Commercial Appeal has ever
been ready to defend police offi-
cers from unjust criticism. Some-
times, in the performance of duty,
they have to kill in defense of their
own lives. But not so in this in-
stance. It would have been better
if the officer had kept his pistol in
the holster. There was no excuse
for its use.

When the driver fled the scene,
after crashing into another car, he
did wrong. He was in the wrong
again when he tried to escape after
arrest. But in neither case did his
offense rise above a misdemeanor
classification—and the law does
not provide the death penalty for
misdemeanors.

The officer may have lost his
head, as his prisoner seems to have
done, but that does not excuse the
killing of a fleeing man suspected
of a misdemeanor, or even of a
theft.

And the "justifiable homicide"

BLACK HURLS STONES THEN HUSBAND FIRES

Neighbors Aroused, But Cul-
prit Hurried Away.

BOTH MEN ARE ARRESTED

Herman G. Winerman Held on
Technical Charge of Shooting
to Kill, Makes Bond—Negro
Faces Charges of Assault.

Arriving at his home, 561 Jessa-
mine Street, just as an angry ne-
gro, James Calvey, was threaten-
ing his wife, Winerman called the
police after she had threatened to
do so. Herman G. Winerman early
last night fired two shots at the
man, inflicting a flesh wound in
the leg.

The neighborhood was aroused
and considerable excitement ensued
before police arrived and placed
the negro under arrest on a charge
of assault and battery.

The negro, an employee of the
United States government fleet, had
been seen by Mrs. Winerman lurk-
ing about the house and had been
ordered away.

Warning him to leave the prem-
ises or she would call police, Mrs.
Winerman declared the black said:
"To hell with the police."

Mr. Winerman then arrived and
the negro picked up a fragment of
concrete, broken from the pave-
ment and hurled it at Winerman's
head.

The white man rushed into the
house returning with a .25 Colt
automatic pistol. The negro again
threatened him and Winerman
fired twice. The last shot took ef-
fect in the calf of the negro's right
leg. He was taken to General
Hospital where his wound was
dressed, thence to city jail where
he now is held.

Winerman, held on a technical
charge of shooting with intent to
kill, made bond before Magistrate
Louis Morris.

SWIFT JUSTICE SURE FOR WRECK PLOTTER

Negro Who Confessed At-
tempt Held Here.

VIOLENCE IS FEARED

Railroad Men Enraged by At-
tempt to Wreck "Sunnyland"
Fast Frisco Train—Crittenden
Countyans Also Aroused.

Fear of possible violence to Will Bennett, negro, would be train-wrecker, has induced railroad special agents to delay returning him to Crittenden County, Ark., until next week.

Feeling is described as being most intense as news of Bennett's futile attempt to wreck and rob the "Sunnyland" fast Frisco train Friday night spread through railroad yards about Memphis yesterday.

Bennett doubtlessly will receive a 21-year sentence for his attempt to wreck the train. Arkansas laws provide this penalty automatically for would-be train wreckers, and Bennett has signed a written confession.

The negro placed an ingenious obstruction on the tracks of the Frisco a mile and a half from Bridge Junction Friday night, with the intent of wrecking the fast train, he confessed. Catastrophe was narrowly averted when a three-car work train ran over the obstruction and was derailed.

Had the Sunnyland second section, which was just behind the work train, struck the obstruction, several hundred lives no doubt would have been lost. The first section passed over the obstruction safely.

The negro confessed to Ed Monroe, chief special agent of the road, that he was intending to wreck and rob the train to get money to "buy some clothes."

Bennett is now being held without charge in the city jail. He will be taken to Marion, Ark., Monday or Tuesday.

Crime. 1928.

Texas.

Texas Woman's Case Is Reversed by Court

AUSTIN, TEXAS, May 23.—P.N.S.)—Mrs. Rosetta Davis Carney, aged 35, got another chance Wednesday to defeat the four-year murder sentence assessed her in Robertson county for the fatal shooting of Leslie Samuels when the court of criminal appeals found that her victim's wounds were stuffed with cotton and decided that that treatment and not the bullet might have caused death. Commenting on that possibility, the court reversed and remanded the case, holding among other things that the trial court did not raise the issue clearly enough in its charge.

CONDITIONS ON TEXAS PRISON FARMS HORRID

Whip And Bloodhounds Still
In Use, Human Life
Held Cheaply

Crusader News Service
Houston, Tex., Sept. 15—The penal system of Texas stands revealed as one of the most inhuman in a section where inhuman penal systems are the rule rather than the exception. An investigation has just brought out the fact that 1,000 prisoners, most of them Negro workers, are ruled by whip and bloodhound terror on the prison farms of this State. This is true of the main penitentiary at Huntsville, about thirty-five miles from here, as well as the twelve prison farms in the bottom of the Brazos and the Trinity rivers.

Conditions Monstrous
The prison system here is still afflicted with all the evils of the days up to 1909 when Texas prisoners were farmed out on contract to road builders and plantation owners. The baying of bloodhounds still sounds thru the swamps, but this time the long-eared hounds are maintained by the State. At each of the prison farms is a pack handled by a "dog sergeant" and two or three trustees. Conditions are absolutely monstrous. The men are treated with the utmost savagery. They are given food and very little of that. And

the slightest rebellion against such conditions is followed by brutal reprisal. Guards Are Modern Simon Legrees
The convicts are forced to work in squads of fourteen in the fields. Over each squad is a slave-driving guard, who sits in the shade of some tree while rasping his speed-up orders at the poor brutes working in the broiling sun. "Making a run for it" is a daily occurrence, in spite of the fact that the guards are armed and are only too anxious to shoot. A convict ducks down in a cotton row, sneaks to the fence. When the guard isn't looking, he makes a dash for freedom. As soon as the guard notices his absence, the latter takes a chance shot in the hope of bringing him down. The sound of the shot also serves to bring the "dog sergeant" to uncash the hounds upon the trail of their human prey. Catching a fugitive is usually a matter of less than an hour. The man is found "treed, badly mangled and with his clothes torn off.

Whippings Frequent
The convict who does not work as hard as the guards think he should is given solitary confinement, on dry bread and water. When he returns to work, should he be too weak as the result of his solitary confinement and non-nourishing diet to work as hard as formerly he is bound to a post and lashed with a heavy thong. The usual number of lashes is thirty, although as a rule a man faints before the thirty is reached. However, men have been given as many as one hundred lashes under this cruel Texas system.

TEXAS' FAMED ELECTRIC CHAIR!

The recent action of Governor Dan Moody, in finding a "convenient" way to commute the death sentence of a white convict to life imprisonment, again brings to the fore the tendency of the state to employ the electric chair at Huntsville mainly for Negroes.

Whenever a white man or Mexican is sentenced to the electric chair, executive clemency is generally invoked, but whenever a Negro is sentenced to be electrocuted—even on circumstantial evidence—the governor of the state finds no way that he can interfere with "the law taking its course."

Since February 8, 1924, the electric chair at the state penitentiary has claimed forty-five human lives, and of these only seven have been members of the white race; while Negroes constituted thirty-four of the remaining thirty-eight victims, the other four being Mexicans.

Several of these black men were assessed the death penalty more because of their color than their crime, judging from the evidence adduced at some of the trials; but not one received the benefit of the doubt at the hands of the governor.

Lawrence Davenport, a Houston youth who was electrocuted at Huntsville June 1, 1928, for murder in this county, went to his death asserting himself innocent, and it is very doubtful if a white man would have been found guilty of homicide under similar circumstances; but a white youth had been killed, it was alleged, by some Negro and Davenport finally "filled the bill."

With all the facts presented him and with a transcript of the original case in his hands, containing many contradictory statements by the state's chief witness, our "humane" governor could find no way to act in the case of this unfortunate colored youth; yet when a white bandit and robber is assessed the death penalty for shooting down a theatre cashier in cold blood at Fort Worth, the governor granted him stays of execution until he could find a "convenient" way to save him from the electric chair.

Maybe this is just another way of maintaining "white supremacy" and of "keeping the Negro in his place;" and if it is, we admit that Texas is making a mighty fine showing in this respect; but thinking people, both in and out of the state, are wondering why it is so easy for white murderers, condemned to death, to obtain executive clemency, while black murderers must atone with their lives for their alleged crimes against society.

Eight of the Negroes electrocuted were accused of rape, yet no white man has ever received the death penalty for this heinous and brutal offense since the installation of the electric chair, notwithstanding the fact that many rape cases have been reported where white men were the assailants, and white women and girls the victims.

Most white rapists are either mentally deranged or victims of a "frame-up" according to popular Nordic opinion; while the mere accusation against a Negro is sufficient cause for his indictment, conviction and electrocution.

Originally invoked as a means to deter criminals, capital punishment, a relic of the barbaric past, does not put any fear into the hearts of criminals, and each day witnesses the criminal colony of the country increasing by leaps and bounds.

If the Texas electric chair is to be maintained principally for the execution of Negroes, then there is something radically wrong with the law-enforcing agencies and the ruling class in the Lone State State, and the chair becomes a curse upon the state rather than a cure for certain social ills and evils.

A Jail For Rent

A BRIEF news item in the Christian Science Monitor tells of an advertisement appearing in the weekly paper published at Lavonia, Ga., announcing the county jail for rent. The advertisement as reprinted in the item reads:

For Rent: Jail in good repair, at present unoccupied. Apply to Sheriff of Stephens County.

The item appears in the Monitor under the column "Prohibition Fruitage," which is a column conducted by that newspaper for the publication of items "contrasting conditions in America during saloon days with the present."

Reading the article through one learns that Stephens county is located in the northern end of Georgia; that its jail has been empty for some time; that the abolishment of saloons has cut down the number of prisoners in Georgia jails; that Negroes are drinking less liquor, are working harder and keeping out of mischief; that "the depredations of liquor-crazed Negroes" has ceased for which "the white woman is especially grateful," that in one county in the State the Superior Court met and remained in session only two days, there being only two small cases to try, whereas before prohibition days "it was often necessary for the court to sit for two weeks;" that "the decrease of the number of Negroes who are tried in Georgia for serious crimes is one of the pronounced evidences of the value of prohibition."

The Christian Science Monitor is one of the most ably and by far the most uniquely edited journals in this country. No breath of crime or salacious matter is permitted entrance to its news columns and it is the very essence of conservatism both in the presentation of news and editorial comment. But the Monitor naturally is an ardent prohibitionist, and prohibition is a subject that is discussed with less sanity and reasonableness by extremists on either side than any subject before the American people.

For instance, the "jail for rent article" would infer that prohibition alone is responsible for the Negro's progress away from crime when as a matter of fact Southern judges and other law enforcement officers are agreed that the expansion of public educational facilities for the race has been the most outstanding factor in contributing to his neighborhood orderliness. The article also infers that before the blessings of Volsteadism came to us the depredations of "liquor-crazed Negroes" kept Southern white women in mortal fear, when as a matter of truth there has been no period in the history of the South when Negroes preyed upon white women or when white women possessed any thing like general fear of Negro depredations, and to infer the contrary is unfair to the race, even when done for the sake of making out a case for prohibition.

We are rather inclined to accept the opinion of educational officials and judges of the courts

that advancement in education of the Negro has proved the main factor in his progress away from crime, and doubtless were not the temptation to violate the prohibition law so inviting and of so slight moral repugnance the jails would show an even less number of Negroes.